

41

THE
CASE
OF
PETER DU CALVET, Esq.
Of MONTREAL, in the Province of Quebec.

CASE

PETER D. ALVET, Esq.



OF MONTREAL IN THE PROVINCE OF QUEBEC

T H E
C A S E
O F
PETER DU CALVET, Esq.
Of Montreal in the Province of Quebeck.

CONTAINING,

(Amongst other Things worth Notice,)

An Account of the long and severe Imprisonment he suffered in the said Province by the Order of General HALDIMAND, the present Governour of the same, without the least Offence, or other lawful Cause, whatever.

To which is prefixed,

A DEDICATION of it in the French Language,

(Mr. DU CALVET not understanding English)

To the King's Most Excellent MAJESTY,

Humbly imploring the Protection and Countenance of his Majesty's Royal Justice in his Endeavours to procure some Compensation for the Injuries he has received.

L O N D O N,

Printed in the Year M.DCC.LXXXIV.

W. Musgrave.

OF MARRIAGE in the Province of Quebec.

CONTAINING

(Amongst other Things, with Notes)

An Account of the Laws and Customs relating to the same, as they are now in force in the said Province, by the Order of the Governor in Council, without the least Alteration, or other Change, whatsoever.



To which is added,

A DEDICATION of the same to the French Language,

(Mr. De Launay, not understanding English)

To the King's Most Excellent Majesty,

Humbly imploring the Pardon and Condescendence of his Majesty's Royal Justice in his Endeavour to procure some Compensation for the Injury he has received.

LONDON,

Printed in the Year MDCCLXXV.

A

Sa très Excellente MAJESTÉ,

GEORGES III.

Roi de la Grande Bretagne,

E T

Des Provinces y appartenant, &c. &c.

SIRÉ,

*U*N Roi est pour ses Peuples ; et ce sont les
coeurs de ses sujets qui forment le tribunal où se
décide sans appel le Genre d'immortalité qui
l'attend. Les nôtres ont depuis long-temps
prononcé en faveur de vôtre Majesté : Elle
met sa gloire à être le Père de ses sujets :
Elle n'estime dans la Royauté que le pouvoir
qu'elle lui donne de faire des heureux. La

a

Clémence,

Clémence, l'Humanité, l'Amour de la Justice et des Loix, toutes les vertus regnent avec elle sur le trône. La reconnoissance publique se charge de transmettre à la postérité le nom de vôtre Majesté avec tous les transports de l'Admiration et de l'Amour.

Un Souverain d'un caractère aussi auguste ne mérite que des sujets qui lui ressemblent. S'il députe des officiers généraux pour le représenter dans ses domaines éloignés, ce ne peut être que dans la confiance et la présomption de leur voir copier ses vertus d'administration. Tromper des vûes si dignes de la Royauté, ce seroit trahir la Royauté même en lui imprimant une tache étrangère, qu'elle ne seroit pas capable d'imprimer elle-même à sa gloire.

Cette trahison, Sire, cette dégradation de la Grandeur Royale, a osé se produire à la face de toute une colonie Angloise. Un étranger

D E D I C A T I O N. vii

ger (car un Anglois, député pour représenter le meilleur des Princes, rougiroit d'être tiran) un étranger en est le détestable auteur. L'infortunée province de Québec a été le théâtre où elle a éclaté avec audace, à la terreur de tous ses habitants. Le despotisme dans le coeur, et un sceptre de fer à la main, le Général Haldimand n'y gouverne pas, mais il y gourmande les peuples en esclaves. A la faveur des oppressions les plus atroces, il n'oublie rien pour affoiblir — Que dis-je ? pour briser sans retour, — les liens de Sentiment qui attachent les sujets au Souverain : Il compromet, par ses vexations inouïes, l'honneur de la Nation, qui met sa gloire à n'avoir dans son sein que des hommes libres, et qui ne se doutoit pas, en l'adoptant, qu'elle s'incorporoit un tiran résolu à mettre aux fers une partie de ses sujets. Car telle est aujourd'hui, Sire, la triste destinée de la province de Québec. Tout y gémit sous un Joug de fer : la tyrannie y déploie sans

ménagement tout l'appareil de ses fureurs : Les pleurs, les gémissements, la terreur, le desespoir, y regnent de toutes parts ; et, si diverses circonstances ne mettoient des entraves à une fuite générale, la province de Québec seroit bien-tôt déserte. Ce qu'il y a de plus atroce, c'est que l'auteur de ces calamités prétend les consacrer, en se parant du nom de vôtre Majesté qu'il représente, et en se couvrant de l'autorité royale, en vertu de laquelle il prétend agir ; c'est à dire, qu' à ne juger de la personne royale que sur ses prétensions du meilleur des Princes dans lui-même à Londres, le Général Haldimand en fait à Québec le plus odieux des Souverains par représentation. L'outrage fait au Monarque et aux Sujets est sanglant. Mais, placé au dessus des loix par sa place, le coupable se joüe à Québec de toute Justice ; il y triomphe de son injustice, et y jouït avec impunité de ses fureurs.

Bourrelé

D E D I C A T I O N. ix

Bourrelé par les remords cuisants d'une conscience qui le juge et le condamne, le Gouverneur Haldimand n'ignore pas la vengeance éclatante que les Loix lui préparent à Londres. Il ne peut leur échapper que par une fuite clandestine et bonteuse dans sa patrie, pour aller y étaler le spectacle d'une opulence gagnée dans un service qu'il a déshonoré par sa tyrannie. C'est à cette indigne mesure qu'il semble vouloir avoir recours, quand l'expiration de son Gouvernement, en le rendant à sa condition privée, l'aura conséquemment rendu Justiciable des Loix.

Sire, la Gloire de la personne royale de vôtre Majesté, la gloire de toute la Nation, celle, enfin, de la Constitution d'Angleterre, réclament hautement pour le punir ou lui ou moi;—Lui, s'il a déshonoré la Majesté royale, qu'il représentoit;—et Moi, si j'ose ici déférer injustement le représentant de mon Souverain au tribunal de mon Souverain même, et à celui de toute la nation. Avoir représenté au meilleur des Princes les droits
de

de la Justice opprimée, est un gage assuré de la voir bien-tôt satisfaite par les voyes dignes de sa Sagesse et de son Equité.

Dans un cas d'une conséquence bien moins importante, d'un sujet Canadien (Monsieur Cugnet de Québec, en l'année 1762,) qui se plaignoit, quoiqu' à tort, des invectives outrageantes d'un Gouverneur (la Général Murray,) vôtre Majesté fit juger juridiquement l'accusé sans avoir égard à sa qualité de Gouverneur. Je ne puis citer à l'imitation de vôtre Majesté un plus illustre modèle à copier, que vôtre Majesté même :---Sur-tout, dans une circonstance où toute une Colonie alarmée, (pour se consoler de ses malheurs dans l'espérance de les voir adoucis ou réparés,) attend la Justice que je sollicite dans le Mémoire que j'ai l'honneur de présenter au trône, et qui ne contient qu'une légère ébauche de mes persécutions et de celles de tous les Canadiens. Sur le bord de ma fosse, creusée d'avance sous mes pieds par les violences de la tyrannie, mon jugement est
l'unique

DEDICATION. xi

l'unique espérance qui me reste pour mourir au moins avec honneur et content.

J'ai l'honneur d'être, avec le plus profond respect et le dévouement le plus universel,

SIRE,

De vôte Majesté, le très humble

et très obéissant Serviteur,

et très affectionné Sujet,

PIERRE DU CALVET.



ADVERTISEMENT.

THE following Case of Mr. DU CALVET has been drawn up under his inspection, and from materials furnished by him; and every page of it has been explained to him in the French language as soon as it has been written; and such alterations and corrections have been made in different parts of it as he thought were necessary to make it perfectly express his meaning: So that it may be justly considered as being as much his own statement of the facts it relates as if it had been all written by himself in the French language.

(1)

THE
CASE
OF
PETER DU CALVET, ESQ.

Of Montreal in the Province of Quebeck.

MR. Du Calvet is a French protestant, born in the province of Guienne in Old France, of a good family at or near Toulouse. He was heir to a handsome estate in land in that country, which has since fallen to him upon the death of his father in the year 1762.

In the year 1758, while the province of Quebeck, then called Canada, was yet subject to the crown of France, he resolved to go and settle in it as a merchant, and, with that view, he procured an assortment of goods
A
suited

suited to the trade of that country, with which he set sail for Quebec in the beginning of April, 1758. He was ship-wrecked in the river Saint Lawrence, about 100 miles below the town of Quebec, and lost his goods; but pursued his voyage without them to Quebec, and arrived there in the month of June. He stayed at Quebec but a short time, and went soon after, about the end of July, to Miramichi, a French port in that part of Acadia, or Nova Scotia, which is out of the peninsula of that name, with a new assortment of goods which he had procured at Quebec, where he was appointed *Garde-magazin en chef*, or principal commissary of the French king's provisions and stores at that port, at which many of the poor French settlers in different parts of Nova Scotia, or Acadia, who are generally known by the name of *the Acadians*, and who had lately been expelled from their settlements by the British government, had taken refuge. These unhappy people, to the number of three or four thousand souls, were at that time maintained at the French king's expence upon provisions furnished from his stores. At this port of Miramichi there were at that time above a hundred English prisoners, chiefly officers and soldiers; to whom Mr. Du Calvet did all the services in his power during the whole time of his continuance in that office of Commissary, both at the aforesaid post of Miramichi

miçhi and at the post of Ristigouche in the Baye des Chaleurs, to which Mr. Du Calvet removed the French king's magazines of provisions in the following month of May, 1759, and which was about 200 miles from the former post, on the north side of it. Of this good treatment of the English prisoners at this post, the following extract from a certificate given him by lieutenant Cæsar Cormick, of major Rogers's body of Rangers, who was one of them, will be allowed to be a sufficient proof.

*To any of his Majesty's Officers,
greeting.*

“Whereas the bearer, Mr. Du Calvet,
“Commissary at Ristigouche, has been of
“the greatest succour to our poor prisoners
“here, I do hereby earnestly beseech any
“of his Majesty's subjects into whose hands
“he may fall, to let the world see that the
“candour of Britons surpasses that of all
“other nations; and they will oblige him
“who suffers daily in being absent from the
“glorious expedition now in hand.

Cormick.”

Ristigouche,
August 28, 1759.

But before Mr. Du Calvet quitted this employment, he had an opportunity of doing Mr. Cormick and about thirty of his soldiers, a more important service. Many of their companions had been released by order of the French commander at the aforesaid post of Miramichi, and sent by sea to Fort Cumberland or Halifax in Nova Scotia, in consequence of the inconvenience of keeping them there as prisoners, where they helped to consume the provisions in the French king's magazines, which began to run short, and for which there was so large a demand for the poor Acadians in that country; and the Indians in the French interest who were assembled there. And now, as it was thought that Quebeck either was, or would soon be, taken by General Wolfe's army, a resolution was taken by Monsieur Bourdon, (the principal officer of the king of France, that was at that time at the post of Ristigouche,) with the knowledge and approbation of the Acadians at that post, to release Lieutenant Cormick, with the remaining English prisoners, who were upwards of thirty in number, in like manner, and to convey them by sea to Fort Cumberland, near Halifax. This was about the end of August, 1759.

As soon as the Indians at this post and its neighbourhood, to the number of about two hundred, became acquainted with this resolution,

lution, they met together, and determined to endeavour to prevent the execution of it. They said, "That hitherto the post of Ristigouche was unknown to the English, and therefore not liable to be attacked by them, as the former post of Miramichi had been; but that, if these prisoners were set free, and permitted to go from thence to Fort Cumberland or Halifax, they would acquaint their countrymen with the situation of it; and that the consequence would be, that a party of English troops would be sent to invade it, and burn their huts, and drive them out of the country; — and that therefore it was necessary to put all these prisoners to death." And accordingly they determined to fall upon the prisoners and murder them without delay, to prevent the intended release of them. This resolution of the Indians alarmed Mr. Du Calvet and Monsieur Bourdon, (the principal officer at Ristigouche) exceedingly; and they thereupon called a meeting of the Acadians under their direction, to consult about the best method of protecting the prisoners from their fury; and it was there resolved, that the said prisoners should be immediately sent on board a vessel of about 60 tons burthen, with thirty chosen men to guard them against any attempt of the savages, and that the vessel should immediately be placed at an anchor in the middle of several others that were

were then in the harbour, in order to its greater security.

This was a great disappointment to the savages, who immediately resolved to go to a place called Carraquet, at the mouth of the Baye des Chaleurs, near which they knew the vessel, in which the prisoners were, must pass in its way to Fort Cumberland, and where, in all probability, it would even be necessary that they should stop and lie at an anchor for some time, on account of the rocks and breakers with which that part of the Baye des Chaleurs abounds, and which make it very dangerous and difficult to go through it, except in very favourable weather. Here the savages resolved to way-lay the vessel, and attack and put to death the English prisoners. And they accordingly set out for this place immediately in about fifteen canoes, containing from four to six men in each canoe, all well armed, with which they went very near the shore so as to avoid those rocks and breakers which were dangerous to vessels of greater depth.

This motion of the savages very much alarmed Mr. Du Calvet, and Mr. Bourdon, (the commanding officer at Ristigouche,) and made them resolve to use every possible means to prevent so cruel an outrage. They therefore called together several of the Acadians
who

who were under their direction there, and exhorted them in the strongest manner, and upon every motive of religion, humanity, and policy, to join with them in endeavouring to protect the English prisoners from the attack of the savages. The Acadians readily consented to use their utmost endeavours for that purpose; and Mr. Du Calvet immediately picked out sixty of the stoutest of them, and went with them, well armed, into another vessel of about sixty tons burthen, called the Jason, to attend and guard the vessel in which the English prisoners were, till they should have passed through that dangerous part of the Baye des Chaleurs in which the savages were lying in wait for them, and should have entered fully into the Gulph of Saint Lawrence, so as to be compleatly out of the reach of any farther danger from those savages.

Under this escort, the English prisoners begun their voyage from Ristigouche towards Fort Cumberland, or Halifax, on the 7th of September, 1759; and the next day both vessels arrived at a place called Chipagan, at the distance of about 90 miles from Ristigouche, and about 9 miles from the above-mentioned place called Carraquet, where the savages were lying in wait for them. Both vessels continued at Chipagan from the 8th of September to the 10th, when they set
 sail

sail again and went to Carraquet, and there they lay at anchor till the next day. This was the place at which the savages had resolved to fall on the English prisoners and murder them : but when they saw them so well protected, they were afraid to make the attempt, and gave the usual marks of their vexation at the disappointment, by wrapping themselves up in their blanket coverings and standing with their heads down in a pensive and melancholy posture.

On the following day, the 11th of September, 1759, the vessel, in which the English prisoners were, set sail again from Carraquet towards Fort Cumberland; but Mr. Du Calvet with his Acadians continued at Carraquet till the 14th, when it was almost impossible that the other vessel could by any accident be brought within the reach of any attempt of these savages, and from the winds that had prevailed in the mean time, it was next to certain that they must have passed the Gulph of St. Lawrence, and reached Fort Cumberland. On the 14th Mr. Du Calvet and the Acadians returned from Carraquet to Ristigouche.

Of this humane conduct of Mr. Du Calvet and the Acadians under his direction to these English prisoners, the following certificate of Lieutenant Cormick, which was
given

given him at Chipagan on the 10th of September, 1759, is an indisputable proof, if any were necessary, of a transaction that was at that time so well known in all the English army that was concerned in the expedition to Quebeck.

“ I do hereby certify, that the bearer
 “ hereof, since the date of the certificate I
 “ gave him when bound for Canada, has
 “ used his utmost endeavours until he pro-
 “ cured my liberty, with the rest of the
 “ prisoners at Ristigouche, and has accom-
 “ panied us 30 leagues to Chipagan, where
 “ he begged I would give him a line to cer-
 “ tify the same. So that I earnestly beg any
 “ of his majesty’s subjects, into whose hands
 “ he may happen to fall, to use him with
 “ the same kindness with which he has
 “ used us. In so doing, they will for ever
 “ oblige him, that is

“ Their humble servant,

Cormick.”

Chipagan,
 Sept. 10, 1759.

Soon after this event Mr. Du Calvet re-
 turned into Canada; but, finding the town
 of Quebeck in the hands of the English, in

consequence of General Wolfe's victory, he went to Montreal, where he continued till the following month of January, in the year 1760, when he was again employed by the French government at Montreal, to go to the same parts of Acadia, or Nova Scotia, at which he had been the foregoing year, and to take an exact account of the number of Acadians who had taken refuge there, that the French government might know the state of that country, and what quantity of provisions it would be necessary to send there for their support.

He went upon this business on the 18th of January, 1760, accompanied by a party of about sixty Acadians, who were then at Montreal, and three or four Indian savages for guides, and returned to Montreal, on the 5th of April following, and continued there till the following month of September, when the whole province of Canada was surrendered by the Marquis de Vaudreuil to General Amherst, now Lord Amherst. Here he had the pleasure of meeting again Lieutenant Cormick, whose life he had been so instrumental in preserving from the fury of the savages in Acadia the preceeding year. The Lieutenant gratefully acknowledged the service, and made General Amherst acquainted with it; who thereupon sent for Mr. Du Calvet, and made him many acknowledgements

knowledgements for his humane conduct on that occasion, and many offers of doing him services in return.

In the following year 1761, General Gage, who was at that time the commanding officer in the district of Montreal, gave Mr. Du Calvet a pass-port to go to Quebeck, in order to take his passage from thence to Europe. The town of Quebeck, and a district of land about it, were at this time under the command of General Murray, as the town of Montreal, with the district belonging to it, was under that of General Gage, and the town and district of Trois Rivières, or Three Rivers, (which lies between the two former) were under that of General Burton. When Mr. Du Calvet came to Quebeck with General Gage's pass-port, General Murray desired him to postpone his voyage to Europe, in order to render the English government a service, for which he was better qualified than any other person the General could then employ, by reason of his acquaintance with, and influence over, the Acadians above-mentioned, who, after being driven from their settlements by the English in the year 1757, had taken refuge on the sea-coast of the Gulf of Saint Lawrence at the above-mentioned posts of Miramichi, Ristigouche, and at Nipissiguit, and other places on that coast, as far as Gaspey Bay.

These

These Acadians had been considered by the English government as subjects of the crown of Great-Britain; because they had been settled in Nova Scotia, which, by the treaty of Utrecht, had been ceded to Great-Britain; nevertheless, as little or no notice had been taken of them by the British government for many years after the peace of Utrecht, they had continued to consider themselves as French subjects, and to be so considered by the French government. At last, in the year 1757, they were expelled by the English troops from their settlements in Nova Scotia, where they had lived for many years, with the reputation of a very harmless, virtuous, and industrious people; and they had thereupon taken refuge in the more remote parts of the province of Nova Scotia, at a distance from the peninsula of that name, along the south coast of the Gulf of Saint Lawrence, from Miramichi to the Bay of Gaspey, which borders on Canada. Here they were maintained, in a great measure, (as has been related) at the expence of the French king, by provisions allowed them from his store-houses; and continuing to consider themselves as subjects of France, they occasionally exercised hostilities against the English, and particularly by sea, by taking, when they had an opportunity, some of their ships that were laden with provisions or military stores for the use of the army, then employed

in the expedition against Quebec. And in this kind of warfare they had had considerable success, having taken no less than fifteen or sixteen ships of this kind, during General Wolfe's expedition.

This conduct was resented by the British government, as being contrary to their duty as subjects of the crown of Great-Britain, as the British government esteemed them. And accordingly General Amherst refused to comprehend them in the 39th article of the capitulation at Montreal, in September, 1760, by which he engaged that none of the Canadians should be sent either into any of the English provinces in America, or to Old England, or be troubled in any manner, for having borne arms against the crown of Great-Britain. Being in this insecure condition, they continued to commit hostilities against the English for some time after the said surrender of Canada, in September, 1760, and made captures of English vessels in the Gulf and River of St. Lawrence, through the winter of the year 1760, and the spring of the year 1761.

These hostilities created a good deal of uneasiness at Quebec, and were a great check to the navigation of the river Saint Lawrence. And therefore General Murray, who commanded (as we before observed) in the

the district of Quebec, resolved to put a stop to them as soon as possible, With this view he sent out a brave and active Canadian, whose name was Grandmaison, towards the above-mentioned country, in which the Acadians had taken refuge, on the south coast of the Gulf of Saint Lawrence, to persuade them to submit to the British government, and to promise them, in General Murray's name, an indemnity for all their past acts of hostility against the crown, upon their doing so, and likewise to assure them that, if they behaved as obedient subjects of the crown, they should be brought into the province of Canada, and have good lands assigned them there in lieu of those from which they had been driven in Nova Scotia.

This was the principal part of Mr. Grandmaison's commission: but he was likewise authorized by General Murray to make prisoner, if possible, and bring up to Quebec, one Car, a wicked serjeant of an English regiment, who had deserted from the British army, and taken refuge amongst those Acadians, and the Indians that were with them, and had been active in instigating the former to stand out against the authority of Great-Britain, after the Canadians had submitted to it, and to commit the above-mentioned hostilities against British vessels in the river Saint Lawrence. Mr. Grand-

Grandmaison set out by land, with seven or eight men to assist him upon this business, about the month of March, 1761. But soon after his arrival in the country, Car, the deserter, getting intelligence of his design, assembled a small party of his friends, with whom he attacked Mr. Grandmaison by surprize, and broke his arm with a musket-ball; which obliged him to return to Quebeck without doing the business he had undertaken. This Mr. Grandmaison is still living, and enjoys at this day a pension from the British government, as a compensation for the loss of his arm, in this endeavour to serve the crown.

It was soon after the failure of this attempt of Mr. Grandmaison, that General Murray desired Mr. Du Calvet to undertake the same business. He carried with him a letter from General Murray to the captains of the militia amongst the Acadians, that is, to the leading men in their several villages, dated the 7th of July, 1761, in which the General informed them, “ That he had re-
 “ presented the forlorn and unfortunate situ-
 “ ation of the Acadians to the king’s mini-
 “ sters in very lively colours, and that they
 “ had, in consequence of such representa-
 “ tions, sent out orders to him to remove
 “ the said Acadians from the country where
 “ they then were, near the Gulf of Saint
 “ Lawrence,

“ Lawrence, into Canada, and there to furnish them with provisions out of the king’s store-houses, till they could be conveniently settled upon some lands in Canada, which the government intended to grant them.

“ That whatever reasons he might have to complain of their late conduct, he was willing to overlook and pardon all offences committed by them before that time, and even to pardon all the deserters that were at that time among them, excepting Serjeant Car above-mentioned; for the apprehending of whom he offered a reward of a hundred dollars.

“ That he sent Mr. Du Calvet to them, to take an account of their numbers, and of the quantity of shipping that would be necessary to bring them and their families to Quebec; and that he desired they would immediately make use of what vessels they had then in good repair and fit for service amongst them, to begin this removal to Quebec.

“ And, lastly, that he desired them, the captains of militia amongst the Acadians, (who were the principal men in their respective villages) to use their best endeavours to bring this business to a happy issue.

The

The letter itself was in the words following.

A Québec, Juillet 7, 1761.

“ Messieurs,

“ Son excellence vient de recevoir des ordres à votre sujet. Il a représenté votre triste situation d’une manière si forte qu’on a donné ordre de vous faire monter avec vos familles, et de vous donner des vivres, jusques à ce qu’on puisse vous établir quelque part dans cette colonie.

“ Quelque sujet de plainte qu’il peut avoir, il veut bien tout oublier jusques à ce jour. Il vous en donne sa parole ; et pardonne même par cette présente à tous les déser-teurs Anglois parmi vous, le nommé Car seulement excepté ; et il promet cent piastras de récompense à ceux qui représenteront ce traître ici.

“ Le Sieur Calvet est envoyé pour sçavoir votre dénombrement, et la quantité de bâ-timents nécessaires pour transporter votre monde jusques à Québec, faisant usage d’abord de ceux que vous avez en état de marcher pour commencer cette opération.

C

“ Son

“ Son Excellence s’attend que vous lui
 “ donnerez pour cet effet toutes les facilités
 “ nécessaires, et que vous l’expédiez avec
 “ toute la diligence possible.

“ Je suis, Messieurs,

“ Votre très humble serviteur,

“ Signé, *CRAMAHE, Secrétaire,*

“ et de son Excellence le Gouv. MURRAY.

The direction of this letter was in these words,

“ Pour le service de sa Majesté Britannique ;

“ Aux Capitaines de Milice en général,
 ou principaux habitants de la Baye des
 Chaleurs, Ristigouche, Miramichy, &c.

Signé J. MURRAY.

With this letter to the captains of militia, or principal men of the several villages, of the Acadians, and a pass-port from General Murray, dated the 16th of July, 1761, Mr. Du Calvet set out from Quebeck, for the *Baye des Chaleurs* in a large sloop, called the Saint Anne, commanded by Captain Joanis, (a native of Old France, who was at that time settled

settled in Canada) with a crew of eight men.

There was at this time a very strong report current, that the Acadians were cruising in the lower part of the river Saint Lawrence in armed vessels; and several captains of trading ships that had lately arrived at Quebeck, had even declared that they themselves had been chased by some privateers in that part of the river, and had with difficulty escaped from them. This report gave Captain Joanis some uneasiness, and occasioned his stopping at Kamouraska (a little harbour, on the right side of the river Saint Lawrence, as you go down the river, about thirty leagues below Quebeck,) to make inquiries concerning it. Here he received, from the people settled at the place, such an alarming account of these privateers, and of the risk he would run, not only of being taken, but of being murdered by them, if he pursued his voyage, that he was afraid to go any further, and was inclined to return immediately to Quebeck; and it was not without the utmost difficulty that Mr. Du Calvet prevailed upon him to go on. However, they did pursue their voyage notwithstanding the dangers of it; against which they endeavoured to guard themselves by extreme watchfulness, and keeping a constant guard and look-out both night and day.

This

This vigilance proved the means of their safety. For, when, in coasting along the south side of the River and Gulf of Saint Lawrence, they came to a place called Percé, beyond the Bay of Gaspey, they saw a party of Indian savages, with some Frenchmen amongst them, all armed with fire-arms, who were evidently watching their motions with an intention to attack them. To avoid this danger, they went from the coast to a small island, called Bonaventure, which is over against Percé, and at the distance of a mile and a half from it. They did not, however, venture to land on the island, but cast anchor near it, and passed the night in their sloop, in great anxiety, with their arms in their hands, to be ready to defend themselves as well as they could, against these savages, in case of an attack; and the next morning, at break of day, they pursued their voyage towards the Baye des Chaleurs.

Their danger was not yet over; for the savages pursued them, partly by water in their canoes, and partly by land, for a great part of the following day, till about two o'clock in the afternoon, after which they were no more seen. From that time the sloop pursued its voyage with safety and success, and passed by Port Daniel, and arrived the same night in the Baye des Chaleurs, at a place about 9 miles beyond Paspédiac, which

which was called by the same name of Bonaventure, as the island near which they had anchored the preceeding night.

Here Mr. Du Calvet was received by the Acadians, who were at this place, with open arms. They knew him, and esteemed him, and therefore gave credit to him, when he explained the business he was come upon; which, from a person unknown to them, they would probably have suspected of being some artifice to deceive and entrap them. General Murray's offer was received by them with joy and thankfulness; and they immediately sent off messengers, in sloops or canoes, to all the other posts in the Baye of Chaleurs, at which any of their friends were settled, to gave them notice of it; which caused a general joy amongst them all.

The next day two of the Indian savages, who had pursued Mr. Du Calvet and his party the day before, came running up to him quite out of breath, and took him by the hand, and wished him joy on his safe arrival there, and told him at the same time, " that he had done well to be so much
 " upon his guard the night before last; for
 " that they and several other Indians, to the
 " number of twenty in all, had been watching
 " an opportunity of falling on him and his
 " party, (not knowing who they were,) and
 " putting

“ putting them all to death. And, if you
 “ had been off your guard a single moment,
 “ said they, we should have done it. But
 “ now, brother, that we see it was *you* that
 “ was in the sloop, we are glad that we did
 “ not succeed in our design, and we are
 “ ready to do you any service.” They then
 went and told the rest of their party, who
 it was that was come amongst them, and for
 what purpose : and the day after they all,
 excepting two, came to him, and shewed
 him the same marks of friendship and sa-
 tisfaction.

The two persons that did not come to
 him, on this occasion, (though they had been
 with the savages in pursuit of the sloop *Saint*
Anne,) were *Car*, the English deserter above-
 mentioned, and one *Roussi*, a Frenchman,
 who had been captain of a large merchant
 ship, and, after having been taken prisoner
 by the English, and put on board an English
 vessel, had risen, with the other French pri-
 soners, upon the English crew, and, seizing
 the vessel, had carried it to the Bay of Gaspey,
 and there lived in a lawless manner amongst
 the Indians. These two men had been with
 the party of savages that had pursued Mr. Du
 Calvet and his party, and had been very ac-
 tive in encouraging them to that attempt.
 And they were probably sorry that it had
 not been attended with success : for, as they
 knew

knew themselves to be obnoxious to the English government, it is natural to suppose that they rather feared than wished to see the Acadians submit to it, as they might apprehend, that in consequence of such a submission, they themselves might be pursued and taken, and delivered up to the English government to be punished. And it is therefore not at all surprizing, that they did not come to wait upon and welcome Mr. Du Calvet upon his arrival at Bonaventure, where they might reasonably apprehend that the Acadians themselves (who, they knew, would be delighted with the message brought them by Mr. Du Calvet,) would lay hands upon them, and deliver them up to Mr. Du Calvet's party to be carried prisoners to Quebeck.

The rest of the party who had pursued the sloop Saint Anne, expressed the highest satisfaction at his arrival, in the same manner as the two first of them had done the day before, and told him "that they were
 " glad that the English general had sent
 " them a person whom they knew, and
 " could trust; for that, if a person, whom
 " they had not known and respected, had
 " brought them this message, they should
 " have suspected that there had been some
 " design of deceiving them, and should
 " therefore have put him to death: for that
 " they

“ they were all men of courage and resolution, who would not submit to injuries without taking their revenge: but that now, as he had brought the Governour’s message, they gave credit to it, and received it joyfully.”

After this cordial reception by both the Acadians and the Indian savages, Mr. Du Calvet set about the business of taking an account of the number of the Acadians in all that country. He went in his sloop from Bonaventure, where he had first arrived, along the north side of the Baye des Chaleurs, and up the river Ristigouche to the post of Ristigouche, at the distance of 21 miles from the bottom of the Baye des Chaleurs; and then down the river Ristigouche, and along the south side of the Baye des Chaleurs, by Nipissiguit, and other little places where the Acadians were dispersed, into the Gulf of Saint Lawrence; then, in a southern direction, along the west coast of the Gulf of Saint Lawrence, by Carraquet and Chipagan, into the Bay of Miramichi, to the post of Miramichi, which is situated quite at the bottom of the Bay; then back again from Miramichi in the Gulf of Saint Lawrence, and along the west coast of the said Gulf, in a northern direction, by Chipagan and Carraquet to the Baye des Chaleurs; then across the Bay from Nipissiguit to Port Daniel; and from

from thence again into the Gulf of Saint Lawrence, and along the west coast of that Gulf to the north of the Baye des Chaleurs, by the *Great River* and Percé to Gaspey Bay.

In all these places he took as exact an account as he could, of the number of the Acadians that were settled there, and then returned from the Bay of Gaspey up the river Saint Lawrence to Quebec, where he arrived at the end of October, 1761. He was accompanied in his return by two small vessels full of Acadians from Nipissiguit in the Baye des Chaleurs, who resolved to embrace immediately General Murray's offer of going to Quebec, and being provided for and settled under the English government in Canada. And he likewise brought with him a letter from thirty or forty of the principal Acadians in the Baye des Chaleurs, to General Murray, in answer to that which he had carried to them from the General, and which has been above recited. This answer is full of expressions of respect and gratitude to General Murray for the offers he had made them, and of professions of submission to his authority. It was written at Nipissiguit, in the month of August, and delivered to Mr. Du Calvet about the end of September, when Mr. Du Calvet was at Nipissiguit for the second time, upon his return from Miramichi, and was in the words following.

D

A son

A son Excellence Monsieur Murray, Lieutenant Général et Brigadier des armées de sa Majesté Britannique, Gouverneur de Québec, &c. &c. à Québec.

“ Monseigneur,

“ Nous avons reçu avec tout le respect possible la lettre qu’ il vous a plu nous écrire
 “ par le Sieur Calvet, en datte du 7^{me} dernier. Nous sommes très sensibles à vos
 “ bontés : nous vous prions de vouloir bien
 “ nous les continuer : nous tâcherons par
 “ nôtre zèle d’en mériter la continuation.

“ Nous serions charmés, Monseigneur, de
 “ pouvoir exécuter vos ordres : mais les voitures que nous avons, sont hors d’état de
 “ pouvoir monter à Québec, sans nous risquer, nous et nos familles.

“ N’ayant point reçu aucun ordre précis
 “ de vôtre Excellence le printemps dernier,
 “ c’est ce qui a fait que nous nous sommes
 “ retirés le long de ces côtes, dispersés les uns des autres, pour pouvoir y faire subsister nos dittes familles.—Il se trouve,
 “ Monseigneur, qu’ aujourd’hui, par le soin
 “ que nous avons pris de faire la pêche,
 “ nous nous trouvons en état de pouvoir
 “ passer l’hyver ici, soit, tant en poisson-sec
 “ que

“ que vert, et racines. Nous supplions vô-
 “ tre Excellence de vouloir bien nous l’ac-
 “ corder, par la saison trop avancée à pou-
 “ voir monter à Quebec cette automne avec
 “ nos susdittes familles. Nous vous prions
 “ d’être persuadé de l’attention que nous
 “ aurons toujours pour exécuter les ordres
 “ qu’il vous plaira nous envoyer. C’est la
 “ grace que nous espérons de vôtre clé-
 “ mence; et nous adresserons nos vœux au
 “ ciel pour vôtre santé et conservation,
 “ n’ayant pas d’autre moyen de nous acquit-
 “ ter et de signaler le plus profond respect,
 “ avec le quel nous avons l’honneur d’être,

“ Monseigneur,

“ Vos très humbles

“ et très obéissants serviteurs.”

After this distinguished service to the Eng-
 lish government, (of which General Murray
 has always expressed a very strong and grate-
 ful sense,) Mr. Du Calvet went back to Mont-
 real about the month of Jannary, 1762, and
 continued there as a merchant till the year
 1764.

In the latter end of the year 1763 his fa-
 ther died, and left him his landed estate in
 Old

Old France, which made it necessary for him to go back to Europe, in order to take possession of it. But he was so well pleased with his situation in Canada, and with the favourable terms that had been granted to the Canadians and residents in Canada, by General Amherst in the capitulation of September, 1760, and by the treaty of peace, in February, 1763, and by the promises made in the king's subsequent proclamation of October, 1763, that the inhabitants of the new province of Quebec, (as well as those of the other three new governments of East Florida, West Florida, and Granada, which had been lately erected in the countries newly conquered and ceded to the crown of Great Britain,) should be governed in the same manner as the other provinces in North America that were governed by the king's commissions, and should enjoy *the benefits of the laws of England*; he was so well pleased with all these favours and promises, and with the liberty of openly professing the Protestant religion without any danger or inconvenience, (which he could not do at that time in Old France, whatever may be the case there at present;) that he resolved, if possible, to sell his estate in Old France as soon as he should have taken possession of it, and to quit all his connections with that kingdom, and become a resident in Canada, (where he was then settled,)

settled,) and a subject of Great Britain for the remainder of his life.

In pursuance of this resolution Mr. Du Calvet in the spring of the year 1764, made a voyage to England, in order to pass over from thence to France, and there sell the estate and other effects, which his father had left him, and return with the produce of them to Montreal, where he intended finally to settle.

General Murray, (who was at this time governour of the new province erected in Canada, under the name of the *province of Quebec*) gave him on this occasion several letters of recommendation to persons of rank, both in England and Scotland; the ship in which Mr. Du Calvet had taken his passage, being bound to the port of Greenock near Glasgow in Scotland.

In consequence of these letters (of which some were addressed to General Murray's own relations,) Mr. Du Calvet and his companions were received with great civility by several gentlemen of note in Scotland, and particularly by the late Lord Ellibank, General Murray's eldest brother: and they afterwards, when they came to London, met with the like good reception from the late Lord Halifax (who was at that time Secretary

tary of State,) and from the Lords of trade and plantations.

After a short stay in London he went over to Paris in order to solicit from the Court of France a permission to sell his estate in that kingdom, notwithstanding his being a protestant. This, he knew, would prove a business of some difficulty, because protestants are prohibited by the laws of France from selling their estates. But he conceived himself to be exempted from the operation of these laws by the treaty of peace of February, 1763, which permitted such of the French king's subjects in Canada, as should chuse it, to become subjects of the crown of Great-Britain, he having been one of those subjects, or a resident in Canada, both at the time of making that peace, and at the time of the preceeding conquest of the province in September, 1760. Yet, as he apprehended the French Court might make some difficulty of allowing the force of this reasoning, he took care, before he left London, to procure from Lord Halifax, the Secretary of State, and from some other Lords, to whom he had been introduced, letters of recommendation to the Earl of Hertford, the English ambassador in France, and to Mr. David Hume, the Secretary of the embassy.

These letters produced the effect intended. Lord Hertford engaged heartily in Mr. Du Calvet's

Calvet's cause, and went with him to the Count de Saint Florentin, the French Secretary of State, and pressed him warmly to procure the desired licence. They had many conferences, and some pretty warm ones; with the Count upon this subject, who always objected that the favour desired was contrary to their laws; and at last the Earl of Hertford did prevail so far as to obtain the king of France's permission to Mr. Du Calvet to sell his estates; but not without considerable restrictions, which rendered it much less beneficial to Mr. Du Calvet than it might have been. However, as he was determined to quit his connections in old France and settle in Canada as a British subject, he made use of it, such as it was, and sold all his property in France by virtue of it, though very much under it's value.

This business employed him in France during the remainder of the year 1764, and the whole of the following year 1765: and, in January, 1766, having accomplished it, he returned to London, where he continued till the April following, when he embarked with all his effects and property on board the ship called The General Conway, for the province of Quebeck. He arrived in the province the beginning of the month of June, and continued in it till the following month of November, when he made a second voyage

voyage to England for the winter, and returned to Canada in the following month of April, 1767, after which he continued in the province of Quebec till the month of August last, 1783, when he left it a third time to come to England on the disagreeable business which at present keeps him here.

Soon after his arrival in the province of Quebec in the month of June, 1766, General Murray, the Governour of the province, made him a justice of the peace in it by a special commission made out for him alone, and dated the 23d of June, 1766. This was an honour which Mr. Du Calvet did not solicit, or desire: but, as General Murray had thought fit, of his own accord, to confer it on him, he did not think it right to decline such a mark of his good opinion, and so accepted the employment: and, when he had accepted it, he discharged the duties of it during a course of several years in such a manner as fully justified and did honour to the General's appointment.

General Murray had received his commission of civil governour of the province of Quebec, in the month of August, 1764; in consequence of which it became necessary for him and his council to erect courts of justice in the province, with proper powers and authority to determine all matters that should

should come before them, whether of a civil or criminal nature, according to law. This was accordingly done in the following month of September, 1764, by an important ordinance passed by Governour Murray and his council for this purpose. By this ordinance one great court of justice was established with general jurisdiction to determine all matters, both criminal and civil, according to the laws of England, agreeably to the promises of the royal proclamation of October, 1763, and to the directions of the Governour's commission. This court was called *the Supreme Court, or the Court of King's Bench*, and was held before the Chief Justice of the province: and in it the proceedings were to be all in the English language, and according to the forms of the English law, and the trials consequently to be always by a Jury. Besides this court the Governour and Council, out of tenderness to the Canadians, or French inhabitants of the province, established two courts of civil jurisdiction; one for the district of Quebeck, and the other for the district of Montreal; the whole province being now divided into only two districts so named, though in the time of the French government and during the military government of the province that had taken place since the conquest of it, that is, from September, 1760, to September, 1764, it had been divided into three districts, or jurisdictions,

tions, called from the three towns of Quebec, Trois rivières, or Three rivers, and Montreal. These courts were called the *Courts of Common Pleas* for the two districts of Quebec and Montreal.

In these courts the proceedings might be either in the English or the French language, as the parties thought fit; and French advocates were permitted to speak in support of their clients causes in the French language, as well as French attornies to manage them, and draw up the pleadings in them in the same language: and the facts contested between the parties might be tried either by a Jury or by the Judges without a Jury, as the parties chose; either of the parties having a right, if he desired it, to have a Jury summoned to decide them. And besides these courts of the King's Bench and Common Pleas, there were courts of Civil Jurisdiction with various degrees of authority, composed of Justices of the peace. For these Justices, or any three of them, were authorized by the said ordinance of the Governour and Council of the 17th of Sept. 1764, (over and above the authority belonging to Justices of the peace in England, which relates chiefly to criminal matters;) to determine, at their quarterly sessions, any disputes concerning property to the amount of thirty pounds of the current money of the province, or 22l. 10s. sterling; but with an appeal to the Supreme

preme Court, or Court of King's Bench : and any two justices were authorized at any other time to determine disputes concerning matters of property to the amount of ten pounds of current money of the province, or 7l. 10s. sterling ; and this without appeal : and any one justice of the peace was authorized at any time to determine the like disputes to the amount of five pounds of current money of the province, or 3l. 15s. sterling.

This last jurisdiction, which was given to single justices of the peace, was intended by General Murray and his Council to prevent the Canadians from being oppressed by the fees and expences that would necessary attend their litigations in the greater courts established at Quebec and Montreal : and it was found to be exceedingly useful to the people, when it happened to be vested in such persons as Mr. Du Calvet, of whom there were perhaps half a dozen in the province ; but in the hands of persons of a different character it became a great instrument of extortion. Almost every Justice of peace in the province used to take certain moderate fees for the warrants and orders they issued in the execution of their office, which were considered as due to them upon the same grounds as the fees paid to the clerks of Justices of the peace in England ; the Justices of peace in the province of Quebec for the

most part doing the duty of the clerks themselves, or, if they kept any clerks, allowing them only a part of the fees received on this account. Nor was this conduct thought unreasonable; as the pecuniary circumstances of most of the Justices were such as made the receipt of these fees an object of importance to them. They were therefore only blamed, when, for the sake of multiplying these fees, they encouraged litigations among the poor Canadians, and used their authority to render them more expensive than they needed to have been. Thus, for example, it would sometimes happen that, when a fact was sufficiently proved before a Justice of the peace by one or two witnesses, he would ask whether nobody else could bear testimony to it; upon which a number of the by-standers who were present at the transaction, and had likewise attended the hearing of the matter before the Justice, would immediately cry out, "yes, I saw it," "and I saw it," and the Justice would thereupon order them all to be sworn to give their evidence, taking a shilling for the administration of every oath. By these and the like contrivances the expences of these summary litigations before some of the Justices of the peace, were rendered extremely burthensome to the Canadians, and became the subject of great complaints. And at last these complaints grew so numerous that Governour Carleton and his

his Council thought fit to pass an ordinance in the month of March, 1770, to deprive the Justices of the peace of all their civil jurisdiction. But Mr. Du Calvet, while this civil jurisdiction continued, was remarkable for exercising it with the utmost purity and disinterestedness: for he was so far from using the contrivances above alluded to, to increase the number of his fees, that he never would take any fees at all for any thing done in the execution of his office, but was often at a considerable expence out of his own pocket to assist the parties who came before him in making up their differences, besides the constant expence of employing a clerk to assist him, whom he would not permit to take any fees. And, as he was also extremely assiduous in discharging the duties of this office, and always ready to attend to the matters brought before him, and determined them with great justice and impartiality, he made himself extremely useful to his numerous poor neighbours in the district of Montreal. In the space of only three months, from September to December, 1769, he heard and determined no less than three thousand seven hundred of these little causes.

After the ordinance of March, 1770, which deprived the Justices of the peace of their civil jurisdiction, Mr. Du Calvet continued to exercise the other, or ordinary,
powers

powers of a Justice of the peace till the 1st of May, 1775, when, in consequence of the unfortunate act of parliament passed in the summer, 1774, for regulating the government of the province of Quebeck, all the former civil authorities in the province, and amongst them the office of Justice of the peace, were indiscriminately, and at one stroke, abolished. And in his discharge of the duties of this office during this latter period of it's existence, when the civil jurisdiction of it was taken away, Mr. Du Calvet constantly preserved the same reputation for disinterestedness and impartiality he had maintained before, though, by this defalcation of his authority, he was much less able to do service to the people in his neighbourhood.

Mr. Du Calvet was not only useful to his countrymen by discharging in the upright and honourable manner above-mentioned the duties of his office of a Justice of peace, but he gave Governour Carleton very important informations concerning the abuses of this power by some other Justices in the district of Montreal, and the great complaints and discontents that these abuses had excited amongst the people; and it was in consequence of these informations, (which were confirmed, upon inquiry, by the concurring testimony of other respectable persons in the district

district of Montreal,) that Governour Carleton and his Council passed the above-mentioned ordinance of March, 1770, which deprived the Justices of the peace of their civil jurisdiction. In proof of this part of Mr. Du Calvet's conduct it may not be amiss to cite the following extract from a letter written to him by Mr. Hey, the chief justice of the province, in the month of August, 1769.

“ Vos lettres me paroissent d'une si grande importance pour le bien public, qu'elles sont à présent l'objet des délibérations. Vous en verrez l'effet dans peu par les mesures qu'on va prendre relativement aux personnes et aux choses. Il est à espérer que ces délibérations adoucissent le fardeau insupportable que la présente forme d'administrer la justice impose aux habitants, et qu'elles rétablissent la paix et la tranquillité publique.

“ Quant à votre procédé, comme il me paroît être l'effet d'un coeur droit et bien intentionné, il doit aussi avoir l'approbation de tous les gens de bien; et vous devez être persuadé qu'il ne manquera pas d'être appuié et protégé par le gouvernement.”

Governour Carleton also wrote him a letter dated the 27th of December, 1769, of which the following extract relates to the same subject of the useful informations he had

had given the government of the province concerning the abuses of the civil jurisdiction of the office of Justice of the peace by some of the Justices of the district of Montreal."

" J'ai aussi à vous remercier des informations que vous m'avez envoyées touchant la manière d'administrer la justice dans vos cantons. Les réglemens qui doivent bientôt paroître à ce sujet, et qui n'ont été retardés que par le pur hazard, feront preuve de l'attention que j'y ai donnée.

" J'espère que les Moyens qu'on se propose pour remédier aux abus, seront efficaces. Je serai pourtant toujours prêt à entendre ce qu'on aura à m'offrir pour le bien public : et je pense trop bien à votre égard pour douter un moment que vous ne me communiquiez toutes les connoissances qui vous parviendront à cet effet.

" J'ai l'honneur d'être, avec beaucoup

" d'estime, Monsieur, vôtre très humble

" et très obéissant serviteur,

" Guy Carleton."

P. S. J'ai été surpris d'apprendre qu'on venoit tout récemment de faire quelques violences

lences dans le faux bourg Saint Laurent au sujet de l'édification d'un pont. Je vous prie d'en prendre des informations, afin de m'instruire de la vérité du fait, et de quelle autorité on s'est servi pour mettre l'imposition, qui en a été la cause.

These letters shew the regard which Governour Carleton and Mr. Hey, the Chief Justice, had for the character and conduct of Mr. Du Calvet, and the confidence they placed in the intelligence he gave them.

When the Governour and Council, soon after the writing of this last letter, passed the ordinance of March, 1770, which deprived all the Justices of the Peace in the province, without distinction, of their civil jurisdiction, those Justices who had not abused this jurisdiction thought themselves rather harshly treated in being deprived of it, and declared that they thought the ordinance to be an undeserved slur upon their reputation, as if they had been guilty of those abuses which had been practised by the other Justices whose misconduct had given occasion to the said ordinance. And, perhaps, it would have been better for the province to have proceeded with more caution in this business, and to have distinguished the upright and disinterested Justices of the Peace from those of a contrary character, by leaving them in possession of a

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jurisdiction

jurisdiction which in their hands had been so useful to the publick, and taking it only from those of the other description. But, however this might be, the Government, after the ordinance was passed, was under some apprehension that the most upright and respectable Justices of the Peace in the province might (in consequence of what they considered as such an unjust insinuation against their character,) decline to act any more as Justices of the Peace in the remaining branches of their authority. And some of the Justices had declared an intention of doing so.

Mr. Du Calvet was not without a lively sense of the indignity thrown upon him by the pre-amble of this ordinance in speaking of the Justices of Peace in general, without any distinction or exception, as having been guilty of those abuses of their civil jurisdiction which made the suppression of it be thought necessary: and, as the consciousness of innocence gives boldness, he expressed his sentiments on the subject very freely in a letter to the Governour and Council. He would not, however, desert the service of the publick by resigning his office, but continued to exercise the remaining powers of it till the first of May, 1775, when the office was abolished by the Quebeck act. This conduct was much approved by the government of the province; and Mr. Cramahé, the Lieutenant-Governour, acknowledged

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ges the merit of it in a letter dated the 21st of April, 1771, of which the following passage is an extract.

“Soyez persuadé de mes sentiments à vôtre
 “égard, comme je vous crois parfaitement bonnête
 “homme, que vous avez servi le public avec zèle
 “et d’une manière fort défintéressée, j’espère que
 “vous continuerez à exercer la magistrature,
 “Le Gouvernement, aussi bien que le Public,
 “vous en aura obligation : vous donnerez un ex-
 “emple de soumission et d’obéissance, qui ne peut
 “qu’avoir un bon effet dans ces temps cy, et vous
 “fera honneur dans l’esprit de tous les bonnêtes
 “gens. J’en rendrai bon témoignage aussitôt que
 “l’occasion s’en présentera, comme ce sera une
 “nouvelle raison pour moi de vous donner des preu-
 “ves de la parfaite estime et considération avec
 “laquelle j’ai l’honneur d’être, &c.”

These testimonies, I presume, make it impossible to doubt of the merit of Mr. Du Calvet’s conduct in the province in the character of a Justice of Peace.

Such was the person who has of late years been so much the object of General Haldimand’s aversion, and been treated by him with so much unjust severity.

It must seem strange to those that hear this just account of Mr. Du Calvet’s character and

conduct (to which might be added many other instances of uprightness, love of justice, charity, and other virtues that ought to have endeared him to all mankind,) that he should ever have become the object of any Governour's dislike, without giving some strong ground of suspicion against him. It is therefore necessary in some measure to explain the cause or origin of the aversion which Governour Haldimand seems to have taken to him, and which induced him to credit too lightly some insinuations thrown out against him by his enemies, of his having corresponded with the revolted Americans in the late unhappy war. For that was (as Mr. Du Calvet has since been informed, tho' not by General Haldimand) the pretence upon which the Governour caused him to be arrested in September, 1780, and detained in prison till the following month of December, when, being satisfied that his suspicions were ill-grounded, (as in truth he had not had the smallest correspondence of any kind with the Americans during the whole war;) he was on the point of setting him at liberty, but suddenly changed his mind, and ordered him to be continued in prison, in consequence of a letter he received in the meanwhile from Mr. Du Calvet, which was written in a style of greater freedom than the Governour approved: and, in resentment for the freedom of this letter, the Governour continued to detain him in prison from December,

ber, 1780, to May, 1783; as will be set forth more at large hereafter. But the Governour's mind had been prejudiced against Mr. Du Calvet, and made open to receive those insinuations, by some enemies of Mr. Du Calvet who were much in the governour's company and confidence.

But still it will be asked, perhaps, how such a man as Mr. Du Calvet has been here represented to be, could ever have any enemies? The answer to this question is, "That uncommon honesty and uprightness, accompanied with a freedom of speech in declaring one's sentiments of publick men and measures, though without the smallest mixture of the love of satire and calumny, are often the causes of envy, jealousy, and aversion in men of a different character, and more especially of persons in office and high station." And this seems to have been the cause that made Mr. Du Calvet obnoxious to some persons of power in Canada.

But, not to dwell upon conjectures, it is time to mention the first quarrel Mr. Du Calvet had in the province that he can consider in any degree as leading to the subsequent ill treatment he met with from various persons employed in the service of Government.

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There is at Montreal, a Mr. John Frazer, a Scotch Gentleman, who had been a captain in his Majesty's 60th regiment of foot, called *the North Americans*, (which consisted of four battalions,) in the war which ended in the year 1763; in which regiment he became acquainted with General Haldimand, who was then a field-officer in the same regiment.

This Gentleman was in one of the battalions of that numerous regiment, which were reduced after the peace, and he consequently was put on half-pay. After serving in Canada during the war, he settled there after the peace, and married a Roman-Catholick Lady of the name of *Des Chambaud*, with whom he lived at Montreal. As he was well acquainted with the French language, General Murray, when Governour of the province in 1764, made him one of the Judges of the Court of Common Pleas, which he had erected at Montreal for the accommodation of the French, or Canadian, inhabitants of the province.

In this office he conducted himself with considerable ability, and great gravity, though not without some complaints of the suitors in his court for partiality in his decisions upon some occasions. And Mr. Du Calvet in particular had had reason to make such a complaint of him on account of a decision he had made in the year 1770 in an action brought by

by Mr. Du Calvet against a Mr. Moses Hazen for a debt of about fifty pounds sterling, due to him for some goods he had sold him. This, however, had made no breach, or quarrel, between Mr. Frazer and Mr. Du Calvet, though, perhaps, the complaints Mr. Du Calvet had made on the occasion to Mr. Hey, the chief Justice of the province, may have given Mr. Frazer some offence, and brought on that general indisposition against Mr. Du Calvet, which some time after broke out both in words and actions in a manner quite inconsistent with the *decorum* of conduct which Captain Frazer had, for the most part, till then observed. The history of this quarrel is as follows.

On the 24th of June, 1771, about three o'clock in the afternoon, Mr. Du Calvet was standing, or walking backwards and forwards, upon the gallery before his house at Montreal; for it must be observed that many of the houses at Montreal have galleries before them. The street was at that time full of carts that were bringing materials for the building of a new church, that was afterwards dedicated to the Virgin Mary by the title of *Nôtre Dame de bon secours*. These carts so blocked up the street that it was difficult for any other carriage to pass along it. Things being in this state, Captain Frazer came by, with his wife, in a one-horse chaise, intending to go a few miles for their pleasure and to take the air. But the
carts

carts prevented his going on. This greatly offended him and put him in a violent passion ; inſomuch that he lifted up his whip to ſtrike the carman that belonged to the cart that was moſt directly in his way ; but, upon the man's preparing to defend himſelf and to make a like uſe of *his* whip in return, he thought better of the matter and did not ſtrike him. But, as he was near Mr. Du Calvet's gallery, where Mr. Du Calvet was then ſtanding, he called out to him in a haughty and angry tone of voice, and at the ſame time lifted up his whip towards him in a threatening manner, and, without calling him by his name, addreſſed him in theſe words, "*Dis donc ; He ! Ne ſçais tu pas faire arranger cette rue ?*" that is, " Tell me, you, d'ye hear ? Don't you know " how to regulate the placing of the carts in " the ſtreet better than this comes to ? " alluding to Mr. Du Calvet's being a Juſtice of the Peace, and to the obligation he therefore ſuppoſed him to lie under to take care that all nuiſances were removed out of the ſtreets. Mr. Du Calvet asked him whether he ſpoke to him, and Mr. Fraſer ſaid " yes, that it was to him " he ſpoke," and then repeated the former words again in a ſtill more haughty and angry tone of voice than before. To this Mr. Du Calvet (who was extremely ſurprized and ſhocked at this insolent behaviour, as he had never before had any perſonal diſpute with Captain Fraſer,) made an answer, " that he,

" Mr.

" Mr. Frazer, being likewise a Justice of Peace,
 " (for Mr. Frazer was at this time not only a
 " Judge of the Court of Common Pleas at
 " Montreal, but a Justice of the Peace for
 " that district, and likewise pay-master of the
 " garrison of Montreal, and a Judge of the
 " Prerogative Court;) might if he chose it,
 " regulate the placing of the carts himself."
 Upon which Mr. Frazer, the way being by
 this time cleared for him, pursued his journey
 without making any reply.

But the transaction did not go out of his
 mind. For on the very same day, between 8
 and 9 o'clock in the evening, as Mr. Du Cal-
 vet was walking on his gallery with a Mr.
 Bernard and a Mr. Bondfield, Mr. Frazer
 came again to him, and desired him to step
 down from his gallery; "for that he wanted
 "to speak to him." Mr. Du Calvet accord-
 ingly went down the steps of the gallery into
 the street to speak with Mr. Frazer: and then
 Mr. Frazer asked him, "what it was he had
 "said to him when he was passing by in his
 "chaise." Mr. Du Calvet repeated the words
 he had made use of on the former occasion, and
 reminded him of the expressions which he, Mr.
 Frazer, had used just before, and to which they
 had been said in answer. Upon which Mr.
 Frazer said, "He well remembered the words
 "himself had used on that occasion; but
 "that his rank and office gave him a right to
 G "speak

“ speak in that tone of authority.” Mr. Du Calvet replied, “ that in his opinion Mr. Frazer was not authorized to speak in that haughty manner either to him or any other person.” And upon this Mr. Frazer left Mr. Du Calvet, and went away. These disputes happened on the 24th of June, 1771.

Some reports of these disputes between Mr. Frazer and Mr. Du Calvet being spread abroad, Mr. Frazer thought his honour required that he should personally chastise Mr. Du Calvet for what he called the insolence of his behaviour to him ; though it was, as we have seen, nothing more than a just and necessary return to the very insolent language which Mr. Frazer had first used towards him.

This resolution he attempted to execute on the 29th of June, 1771, five days after the former dispute. On that day, at about 3 o'clock in the afternoon, Mr. Frazer, after walking for about a quarter of an hour near the scite of the new church above-mentioned of *Nôtre Dame de Bon Secours*, (which was then going to be built) in company with *Monsieur de Saint Ours* and *Monsieur de Rouville*, two French gentlemen of Montreal, stepped aside from his companions, and went to the bottom of the gallery of Mr. Du Calvet's house, where Mr. Du Calvet was then walking with *Mr. Bernard*, *Mr. Du Mas*, and some other friends.

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He there called to Mr. Du Calvet, and desired him to step down from the gallery; for that he wanted to speak to him. Mr. Du Calvet accordingly came down from the gallery, and went up to him to hear what he wanted to tell him. But, just as Mr. Du Calvet came within his reach, he suddenly seized him by the collar with his left hand with great violence, and brandished in his right hand a little cane of about the length of three feet with a leaden ball in the top, or handle of it, but which, as he held the cane, was at the further end of it. With this cane he endeavoured to give Mr. Du Calvet a blow on the head, so that the leaden ball should have struck him there, if the blow had taken place; at the same time accompanying his assault with these insolent expressions. "I forbore
 " the other day to chastise you as you deserved
 " with my horsewhip, because I was afraid of
 " the inconveniences I might have suffered
 " from it by your suing me for it in a Court of
 " Law. But now I am resolved to do it,
 " whatever may be the consequences." But Mr. Du Calvet warded off the blow with his left hand, and laid hold of the cane, and wrenched it out of Mr. Fraser's hand. Upon which Mr. Fraser struck him a violent blow with his fist on the left side of his head a little below the temple, which almost stunned him,

and gave him likewise a second blow on the right side of the head.

Mr. Du Calvet, however, though a man of much less strength and stature than Mr. Fraser, (the latter being five feet, eleven inches, or six feet, English measure, high, and Mr. Du Calvet only about five feet, five inches,) made what resistance he could, and laid hold on Mr. Fraser's hair, and kept his hold of it till in struggling they both fell upon the ground, where Mr. Du Calvet had so far the advantage in the scuffle that Mr. Fraser cried out for assistance in these French words, "*Au secours ; Au secours ; on me tuë, on me tuë.*" Upon which Captain Maxwell, and Mr. Robertson, then a half-pay Lieutenant, and a Justice of Peace at Montreal, (but who has since been made Captain of the Grenadiers in the 84th regiment, or *Royal Emigrants*,) came up and parted them, and conducted Mr. Fraser home.

This scuffle happened in the presence of a great number of people, it being at the very time of a Roman-Catholick procession that was making in the same street, and very near both Mr. Fraser's and Mr. Du Calvet's houses, (which were on different sides of the same street, and nearly over against each other,) to consecrate the first stone of the new church above-mentioned of *Nôtre Dame de bon Secours*, which

which was just going, or beginning, to be built there.

Amongst other persons present at it were Colonel Prevost, who was at that time Commanding Officer at Montreal, (and who has since been better known by the title of General Prevost, and who commanded the King's troops in Georgia in the late unhappy American war,) and Mr. Bruyere, who is at this day Governour of Prince Edward, his Majesty's fourth Son.

It has been mentioned above, that in an action brought by Mr. Du Calvet against Mr. Moses Hazen in the year 1770, in the Court of Common Pleas at Montreal, where Mr. Frazer was one of the Judges, Mr. Du Calvet had conceived himself to have been injured by Mr. Frazer in his character of a Judge, and had made complaints of Mr. Frazer's conduct on the occasion to Mr. Hey, the Chief Justice of the province, from whom he thought he could obtain redress of the injury by way of appeal from the Court of Common Pleas to the Supreme Court, or Court of King's Bench, of which Mr. Hey was the only Judge. Mr. Hey was of opinion that Mr. Du Calvet had had great injustice done him by the proceeding in the Court of Common Pleas, but yet that it was not a matter which could be brought by appeal into his Court. It had been a preference

ference given to the execution of a Judgment against Mr. Hazen that was posteriour to the Judgment which Mr. Du Calvet had obtained against him; by means of which preference the effects of Mr. Hazen were applied to the payment of that other debt, and the debt to Mr. Du Calvet remained wholly unpaid, and remains so at this day.

The complaint, which Mr. Du Calvet had made to Mr. Hey concerning this proceeding of Mr. Frazer had been communicated to Mr. Frazer, and probably much offended him. For Mr. Du Calvet was informed by the late worthy Mr. Martehl (who acted for many years with great honour and reputation as a Justice of the Peace, in the province of Quebeck, first, for the district of Quebeck, and afterwards for that of Montreal,) that, after this judgment in the Common Pleas, but before the above recited quarrels between Mr. Frazer and Mr. Du Calvet on the 21st and 29th days of June, 1771, Mr. Frazer, being at dinner at Colonel Christie's table, had said these words, "*One Justice of Peace, Mr. Walker of Montreal, has had his ears cut off: another, (alluding to Mr. Du Calvet,) will have his tongue cut out.*"

These words were spoken at table in the presence of Mr. Martehl, a person of undoubted veracity, who was one of the company

pany at dinner: And he immediately afterwards gave notice of them to Mr. Du Calvet, not with a view to irritate him against Mr. Frazer, but to put him upon his guard against the bad designs his enemies seemed to entertain against him, and to warn him to be cautious not to give them any handle against him, or to do any thing that might further provoke them.

Mr. Du Calvet accordingly took no notice of them to Mr. Frazer, but conducted himself with as much caution and prudence as possible, in order to avoid any offence to any body. But, as we have seen above, the resentment against him was already too strongly rooted in Mr. Frazer's breast, to subside without some publick mark of it; and it accordingly broke out some time after in the quarrels of the 21st and 29th of June, 1771, of which an account has been given in the foregoing pages.

These unhappy disputes with Mr. Frazer were attended with a series of further bad consequences to Mr. Du Calvet. From that time forwards Mr. Du Calvet never could succeed in any of the suits he instituted in the Court of Common Pleas at Montreal before Mr. Frazer; of which, as he was then engaged in trade, there were a considerable number: But his claims were always judged
to

to be insufficient. And in a variety of other instances besides these disappointments in Mr. Frazer's Court of Common Pleas, Mr. Du Calvet experienced the inconvenience of having Mr. Frazer for his enemy. Mr. Frazer's friends became his enemies as well as Mr. Frazer himself. Mr. Mabane, another Scotch gentleman, who lived at Quebec, where he was Surgeon of the Garrison and one of the Judges of the Court of Common Pleas for that district, and who was a great friend of Mr. Frazer, gave soon after a proof of aversion to Mr. Du Calvet, which much surprized him, as Mr. Mabane had till then been always very civil to him.

Mr. Du Calvet had occasion to go from Montreal, where he resided, to Quebec upon some business a few days after Mr. Frazer's violent assault upon him on the 29th of June, 1771. He there paid a visit to Mr. Claud Panet, the Lawyer of Quebec, and while he was with him, Mr. Mabane happened to come in. Mr. Du Calvet went up to him in a friendly manner, as usual, to pay him the common compliments; but Mr. Mabane drew back from him with an air of surprize and dislike, and without speaking a word; and soon after took his leave of Mr. Panet, after a very short conversation with him.

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This change in Mr. Mabane's behaviour surprized Mr. Du Calvet exceedingly, and appeared to him perfectly unaccountable, as they had always before that time been upon good terms with each other. But Mr. Panet, observing his surprize, soon removed it, by telling him that the coldness and distance of Mr. Mabane's behaviour to him was owing to his friendship for Mr. Fraser. After staying a few days at Quebeck, Mr. Du Calvet returned home to Montreal.

In the course of the Autumn of the same year, 1771, another assault, of a more dangerous nature than the former, was made upon Mr. Du Calvet by some of his enemies; but he never could discover with certainty, by whom. As he was sitting at table in his house at Montreal with some company that supped with him on the 30th of October, at about 8 o'clock in the evening, a great stone was thrown at the glass-door of the hall where he and his company were sitting, which broke with great violence through one of the panes of the door and fell near the table. Mr. Du Calvet immediately rose from table and ran to the hall-door to see what was the matter: and, just as he had got to the door and was opening it, a pistol, or other fire-arm, loaded with a ball, was fired at him, and the ball passed close to his body and stuck in the wall on the side of the hall-door. He went out, notwithstanding, to try to find out

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who

who had made this wicked attempt upon his life: but, as it was a very dark night, with a good deal of snow, or sleet, falling at that very time, he could only see, by the light of the flash of the fire-arm, that a man was making off from the house with precipitation, but could not distinguish who it was. He nevertheless could not help suspecting that it was some one of Mr. Fraser's servants, not only because Mr. Fraser had himself made that violent assault upon him which has been already mentioned, on the 29th of the preceeding month of June, 1771, but because he had surprized two of Mr. Fraser's servants on the gallery before his house on the 31st of the preceeding month of July, 1771, at half an hour after nine o'clock at night, who had, upon his coming out suddenly from the house and seeing them, run hastily away with marks of confusion, as persons who were employed upon a business they wished to conceal, and he had likewise seen the same servants many other evenings after the said 31st of July, about the same hour of the night, walking or loitering near his house in a very suspicious manner.

Mr. Du Calvet, however, resolved to use every means in his power to discover who was the author of this infamous attempt to murder him, and he therefore drew up an advertisement to be published in the *Quebeck Gazette*,

Gazette, with an offer of a reward of 100l. of current money of the province, or 75l. sterling, to any person who should discover the person who had been guilty of it, to be paid as soon as such person should be convicted. This advertisement was as follows.

*Avertissement de Pierre Du Calvet,
Ecuyer, Juge à Paix.*

Hier au soir, 30 Octobre, 1771, entre les sept heures, vingt minutes, et sept heures et demi, le Sieur Du Calvet, étant à souper dans la salle de sa maison, l'on jetta une grosse pierre avec grande violence à travers les vitres de la porte de l'entrée de sa maison; laquelle a fracassé un peu un barreau, a cassé un vitre, et a arraché deux petits clous, et a emporté et fait un trou à un volet de toile. Sur cela le Sieur Du Calvet, neveu, sortit sur la galerie tout de suite, et l'autre Pierre Du Calvet sortit avec son épée: et dès aussitôt l'on tira un coup de pistolet où d'un autre arme à feu, au Sieur Pierre Du Calvet, oncle. Le coup fut tiré de la rue un peu sur le long de la galerie où étoit le susdit Sieur Du Calvet.

Le Sieur Pierre Du Calvet offre de récompense à celui où à ceux qui lui donneront une preuve réelle du fait, une somme de deux milles

schelins, argent 'courant de la province, payable dès aussitôt la conviction donnée.

Le susdit Pierre Du Calvet fait observer qu'il n'a point eu ni dispute ni aucune mauvaise parole avec qui que ce soit, depuis le jour de la Saint Jean et de la Saint Pierre, que l'on vint l'assassiner sur sa galerie, et que du depuis il a trouvé les domestiques de Jean Fraser sur sa galerie et à roder aux environs de sa maison. Fait à Montréal le 31^{eme} Octobre, 1771.

Signé, Pierre Du Calvet.

This advertisement Mr. Du Calvet sent up to Quebeck inclosed in a letter addressed to the late Mr. Kneller and Mr. Williams, two lawyers of eminence at Quebeck; and he inclosed both the advertisement itself and the letter to Mr. Kneller and Mr. Williams in another letter addressed to Hector Theophilus Cramahé, Esq; the Lieutenant-Governour of the province, who at that time governed the province instead of General Carleton, the Governour, who was then in England.

This communication of the advertisement to the Lieutenant-Governour was at that time a necessary step to it's being published in the Quebeck Gazette; as nothing was then permitted to be printed in that paper without the

the Lieutenant-Governour's consent; and there was then no other news-paper published in the province. But Mr. Cramahé would not permit this advertisement to be published, chiefly (as he alledged in his answer to Mr. Du Calvet's letter,) because of the last paragraph of it, which throws out a suspicion that Mr. Frazer had been privy to that vile attempt. This paragraph, however, Mr. Cramahé might have erased from the advertisement, as Mr. Du Calvet had submitted the whole to his revisal and correction. And he surely ought to have permitted the publication of it, so corrected, as it was the most likely means of discovering and bringing to punishment the authors of that infamous attempt, the impunity of which was a disgrace to the government of the province, of which he was at the head. But, as the Lieutenant-Governour would not allow the advertisement to be published in the news-paper, no discovery was made either then, or at any time since, of the persons who were concerned in that attempt, and the ends of justice have been eluded.

It has been seen above that Mr. Mabane, the Judge of the Common Pleas at Quebec, took part so strongly with Mr. Frazer of Montreal in his quarrel with Mr. Du Calvet, that, when Mr. Du Calvet met him at Mr. Claud Panet's the Lawyer at Quebec, a few days after

after Mr. Frazer's assault upon him, he would not condescend to speak to him, though till that time he had always behaved to him in a civil and friendly manner. This dislike of Mr. Mabane continued ever after, and shewed itself in a variety of instances to Mr. Du Calvet's prejudice. Nor can Mr. Du Calvet entertain a doubt but that his late causeless and cruel imprisonment by General Haldimand for more than two years and seven months, has been owing, in a great measure, to Mr. Mabane's advice and suggestions to that General, over whom he is known to have acquired a great ascendant. But an instance of this dislike that is more capable of proof, occurred in the year 1774; which it will here be proper to state. It was as follows.

It is customary in the town of Montreal, when the snow (which lies a foot deep in the streets during the winter,) begins to melt in the spring, to cut little trenches, or channels, in it, to direct the course of the melted snow, so that it shall not run into, and spoil, the cellars and lower parts of the houses. Such a little trench Mr. Du Calvet had made in the street of Montreal near the bottom of the steps of the gallery before his house in the month of March, 1774. It was but three feet long, and therefore did not much encroach on the passage-way of the street, which in that part of it was 48 feet broad:
it's

it's breadth was about nine inches, and it's depth about six inches.

Mr. Mabane was at this time at Montreal together with Mr. Dunn, to hold a session of Oyer and Terminer there, in lieu of Mr. Hey, the Chief Justice of the province; that gentleman being then in England with a leave of absence from the province, and his office of Chief Justice being executed by three commissioners appointed for that purpose, of whom Mr. Mabane and Mr. Dunn were two. Mr. Mabane lodged during the session at a large house in Montreal, which is generally called the house of the India Company, because it had, in the time of the French Government, belonged to the French East India Company, but at that time was the property of a Mr. William Grant, of Quebeck.

Here Captain Gordon of the 26th regiment had spent the evening with Mr. Mabane, and in his return very late at night to his own lodging in a cariole, or sledge, happened to run against this trench cut by Mr. Du Calvet and was overturned: an accident which often happens, and may be produced by very small obstacles or inequalities in the ground, but which is seldom attended with bad consequences.

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The next morning Captain Gordon was again at Mr. Mabane's, and related to him the overturn he had met with the foregoing night near Mr. Du Calvet's house, adding that those trenches in the snow (of which there were then many in the street, and very large ones,) were very inconvenient in the night-time, when one could not see them. Mr. Mabane (the representative of the Chief Justice,) upon this told the Captain, " he would advise him to employ the soldiers under his command to fill the trench up." The Captain asked him, " Whether he could do it safely according to Law?" And the great Magistrate answered, " That most certainly he could." Upon this encouragement Captain Gordon sent a serjeant and a party of soldiers to fill up the trench; which they immediately filled up, and more than filled up, heaping the snow there to a greater height than in the adjoining part of the street, so as to make a bank of snow near Mr. Du Calvet's house. The consequence was, that Mr. Du Calvet's cellars were very soon filled with water.

A little after this proceeding, as Captain Gordon happened to be passing by Mr. Du Calvet's house, Mr. Du Calvet spoke to him, and desired him just to look into his cellars and see what a deal of damage he and his soldiers had done to him

him by filling up the little trench by which the water had used to run off. The Captain answered with haughtiness, "That he was perfectly indifferent about that matter, and that, if Mr. Du Calvet should open the trench again, he would send all his soldiers to fill it up again." Mr. Du Calvet upon this went repeatedly to Colonel Templar's lodging, who was at that time the Commanding Officer at Montreal, in order to complain to him of the injury that Captain Gordon had done him. But the Colonel always ordered his servants to tell Mr. Du Calvet that he was not at home; so that Mr. Du Calvet could never get an opportunity of speaking to him. This reduced Mr. Du Calvet to the necessity of writing a letter on the subject to Colonel Johns, who was at that time the Commanding Officer in the province, General Carleton being then in England. Colonel Johns did not neglect his complaint, but wrote to Colonel Templar about it. But in the interval between Mr. Du Calvet's writing his letter to Colonel Johns, and Colonel Templar's receiving the letter written to him by Colonel Johns upon the subject, Mr. Du Calvet received a new insult from the troops at Montreal that were under the command of Captain Gordon and Colonel Templar.

About forty soldiers, with an officer at their head, with their drums and fifes, as they were

going to mount guard about eleven o'Clock in the morning, instead of walking, as usual, in the street before Mr. Du Calvet's house, walked over the gallery that was before it in an insolent and alarming manner, stamping hard upon it with their feet to strike a terror, and breaking several of his windows. Mr. Du Calvet's wife, who was then with child, was so much frightened at this threatening behaviour, that she was immediately taken ill and spit blood, and never recovered her health afterwards, but died in the following month of December, 1774, and, as it was generally thought, of the consequences of this alarm.

Captain Gordon has often declared since this affair, that he never should have thought of filling up the trench which Mr. Du Calvet had made to turn off the water from his house, if Mr. Mabane had not encouraged him to it, and told him he might lawfully do it. This declaration of Captain Gordon was made freely and openly at the table of Mr. DeLisle, the Protestant clergyman at Montreal, who is chaplain of the garrison of that town, and in the presence of the late Mr. Martehl, the Justice of Peace: and both Mr. Martehl and Mr. DeLisle mentioned it to Mr. Du Calvet immediately after it had been made.

There is at Montreal a French, or Canadian, Gentleman, named *Monsieur de Rouville*, who

who was employed in a Judicial office at *Trois rivières*, or *Three rivers*, in the time of the French government. This office had been suppressed of course at the conquest of the province by General Amherst, in September, 1760, together with all other employments under the French King's authority. And, as Mr. de Rouville was a Roman-Catholick, he was considered as unqualified to hold any judicial employment in the province till the late act of parliament in the year 1774, for regulating the government of that province; by which the distinction between Protestants and Roman-Catholicks, with respect to their capacity of holding employments, is taken away, provided they take a certain new oath prescribed by that act in lieu of the oath of supremacy. But as soon as that act took place in the province, that is, in the month of May in the year 1775, Mr. de Rouville was advanced to be one of the *Conservators of the Peace* for the district of Montreal, in conjunction with Mr. John Frazer and Mr. Martehl, who had been the Judges of the Court of Common Pleas for that district before the abolition of that and all other Courts of Justice in the province by the said act of parliament. And, since that time, upon the re-establishment of the two Courts of Common Pleas at Quebec and Montreal, with three Judges, instead of two, in each Court, *Mr. de Rouville* has been appointed one of the Judges of that court at Montreal, in conjunction with Mr. Frazer and Mr. Martehl,

tehl, and, since the death of Mr. Martehl, in conjunction with Mr. Frazer and Mr. Livius, Mr. Frazer and Mr. Owen, and Mr. Frazer and Mr. Southouse, who are still the Judges there.

This appointment of Monsieur de Rouville to so great a judicial office was by no means agreeable to the French, or Canadian, inhabitants of Montreal and it's neighbourhood, as the violence and haughtiness of his temper were well known to them, and some of them remembered how ill the people of *Trois rivières* had been satisfied with his conduct as a Judge when he acted in that capacity in the time of the French government. Nor did he seem to be disposed to act with more mildness and moderation upon his new advancement to power in the year 1775. For one of the first things he did in his office of *Conservator of the Peace* in May, 1775, was, in conjunction with the other two conservators, Mr. John Frazer above-mentioned and Mr. Martehl, (of whom the last gentleman, though perfectly well disposed to do justice himself, sometimes let himself be over-ruled, or over-borne, by the violence of Mr. Frazer's resolutions;) to send a young merchant of Montreal, whose name was *David Salisbury Franks*, to prison for saying, "that
 " the offence that had been committed in the
 " morning of the 1st of May by some persons,
 " who are still unknown, (though it was, in
 " his opinion, a very great offence, and one
 " that

“ that he wished to see discovered and punished, and for the discovering of which he was willing to contribute his share of the reward offered by the English Merchants of Montreal, which was no less than a hundred pounds,) could not by the laws of England, as he believed, be punished with death.” For giving this opinion in the course of a conversation with some other English Merchants on the morning of the 2d. of May, 1775, in opposition to the opinion of a French or Canadian gentleman, whose name was *François Marie Picoté de Bellestre*, and who said “ the offender ought to be hanged for this offence,” Monsieur de Rouville, with his brother conservators of the peace, committed the young man to prison, and refused to take 10,000^l bail, which was offered by his friends for his appearance to answer any charge that might be brought against him for it.

The words of the warrant, or order of commitment, are remarkable; “ *Nous, considérant combien tout bon citoyen doit envisager avec horreur un acte aussi atroce, et que par conséquent, tous les propos qui tendent à dire que c’est peu de choses, doivent être réputés criminels, vous ordonnons de conduire le dit Salisbury Franks dans la prison de cette ville, &c.*” This was the first specimen which Monsieur de Rouville gave of the manner in which he was likely to exercise the authority with which he had

had newly been invested by the Governour of the province.

A particular account of the whole transaction may be seen in the book intituled, *Additional papers concerning the province of Quebec*, published in the year 1776, and sold by B. White, bookseller in Fleet Street, pages 152, 153, — 169. And other particulars concerning the character and conduct of this Monsieur de Rouville may be seen in the same book, pages 83, 84, and 85.

This Monsieur de Rouville had been a good deal connected with Mr. Frazer before the year 1775, when he was joined with him in the commission of *Conservators of the peace for the district of Montreal*. And it may be remembered that in the account given above of the very deliberate and premeditated assault made by Mr. Frazer upon Mr. Du Calvet on the 29th of June, 1771, it appeared that Mr. Frazer had been walking and conversing with Monsieur de Rouville immediately before, and went from Monsieur de Rouville to Mr. Du Calvet and made the assault upon him in Monsieur de Rouville's presence: so that it seems highly probable that the design of assaulting and *chastising* (as Mr. Frazer called it) Mr. Du Calvet on that occasion had been mentioned

to, and concerted with, Monsieur de Rouville.

But, however this might be, it is certain that, when Monsieur de Rouville was exalted (to the surprize and mortification of the inhabitants of Montreal,) to the high offices, first, of Conservator of the Peace for that district, and afterwards of Judge of the Court of Common Pleas in it, he gave many proofs of enmity to Mr. Du Calvet. And Mr. Du Calvet conceives that it was owing to the known enmity of Mr. Frazer and Monsieur de Rouville towards him, and the impunity with which it was from thence supposed that any injuries might be committed against him, that so many people ventured to insult and injure him in various ways, which it will be proper just to mention, but without enlarging on all the circumstances of them, lest this narrative should run to too great a length.

But, first, it may not be amiss to insert a part of a letter from Mr. Jenkins Williams, (a Lawyer of ability and eminence in the province, and whom Mr. Du Calvet had usually employed in his law-business,) dated at Quebec on the 3d. of October, 1776, by which it will appear that Mr. Frazer and Monsieur de Rouville were so well known to be Mr. Du Calvet's enemies, that no Justice could be expected

expected for him in any suits he should bring in the Court of which they were Judges.

Me voici toujours à votre service. Les papiers que j'ai en main sont toujours prêts ; et j'ose espérer que vous viendrez au point d'obtenir Justice contre ceux qui vous ont voulu ruiner.

Je vous plains de plus en plus : Car Je vois toujours placés Monsieur Frazer et Monsieur Rouville, (qui sont tous deux vos ennemis,) pour Juges à Montréal. Je crois fermement que vous serez obligé de prendre le parti de vous arranger et de terminer vos affaires de Commerce à Montréal, à cause de l'inimitié de Messieurs Frazer et de Rouville ; that is, in English ; "I am still, as ever, " at your service. The papers in my hands " are ready to be produced ; and I do venture " to hope that you will at last succeed in ha- " ving Justice done you against those who " have endeavoured to ruin you.

" I pity you more and more, the more I " consider your situation. For I see that Mr. " Frazer and Monsieur de Rouville, (who " are, both of them, your enemies,) are still " Judges at Montréal. I verily believe that " you will be reduced to the necessity of " making up your differences with your " debtors in the best manner you can, and " of ceasing to have any further concerns of a " commercial nature at Montreal, on account " of

“ of the enmity of Mr. Frazer and Mr. de Rouville.”

While Mr. Du Calvet was thus unfortunately the object of Mr. Frazer's and Monsieur de Rouville's aversion at Montreal, and of Mr. Mabane's at Quebec, he was repeatedly injured in his property in a most shameful manner, without being able to obtain the least redress.

The gallery before his house at Montreal was several times broke in several places, and with evident marks of it's being done on purpose; and in the night of the 8th of April, 1779, at a little after 2 o'clock in the morning, he was waked by a great noise, which made him rise immediately to see what was the matter. He went out of his house, and saw seven or eight men armed with hatchets or Indian tomahawks, with which they were cutting and breaking to pieces the rails of his gallery. But, upon seeing him come out, they went away from the house, as persons who were afraid of being discovered. Mr. Du Calvet, nevertheless, went down the steps of his gallery, and, with his sword drawn, went up to one of them, who was behind the rest, and asked him, “ Whether he had been concerned in destroying the rails of his gallery?” To which the other answered, “ Oh! No, Sir; not I, I can assure you. I was
K only

“only quietly passing along the street in my way home.” Upon which Mr. Du Calvet took his word and let him go about his business. This man had not a hatchet in his hand, as the other men had who had run away upon Mr. Du Calvet’s first coming out : but he had a pistol concealed in his breast.

These men being all gone out of sight, Mr. Du Calvet hoped the mischief was all over, and went into his house, and went to bed again. But he was soon obliged to rise again by a second attack of the same kind upon his rails by five or six men armed with hatchets, whom he actually surprised in the act of cutting them to pieces : but upon his again going out towards them, they run off again with precipitation, as before. He then went into the house again, but did not go to bed : and in five or six minutes after he heard the same noise again, and, going out again in haste, saw the same number of men employed in the same manner, who again run off upon seeing him, as they had done before, and after that did not return, when they saw Mr. Du Calvet was thus upon the watch to discover them.

The number of rails they cut to pieces in these three attacks was 62. There was at this time, 1779, a Gazette published at Montreal by the title of *Gazette Littéraire*, besides the Gazette published at Quebec, which had
subsisted.

subsisted ever since the year 1764. This Gazette of Montreal had been set up, with Governour Carleton's permission, about the year 1777. In this Gazette at Montreal, on the 14th of April, 1779, Mr. Du Calvet published the following advertisement, in which he offered a reward of a hundred Spanish dollars to any one who should discover the persons who had made this attack upon his gallery.

A L'IMPRIMEUR.

Je vous serai obligé, Monsieur, de vouloir insérer dans la feuille ce qui Suit.

Pierre Du Calvet.

J'avois crû jusqu'à ce Jour que les Maisons des Citoyens étoient leurs forteresses, & qu'aucun Malfaiteur ne pouvoit impunément violer les droits de propriété. Je me suis trompé, ou du moins ai-je lieu de le croire, d'après ce qui est arrivé dans la nuit du 8 du courant, à deux heures & un quart du matin.

Je fus réveillé par un bruit qui n'étoit pas ordinaire. Je sortis & vis plusieurs hommes armés, qui en apparence ayant reconnu l'impossibilité de pénétrer dans l'intérieur de ma maison, vû que les contre-vents & portes sont de fer, se vengeoient sur

les balustrades de la galerie, lesquelles ils ont coupées avec haches ou cassetées, au nombre de 62, & ont commencé par la balustrade qui borde la partie de la Maison louée à M. le Colonel Campbell; ils fuirent quand je parus (un mal-honnête homme n'est jamais brave). Ils revinrent à la charge trois fois depuis deux heures & un quart jusqu'à trois heures; mais à la dernière fois s'aperçurent que j'étois au guet, ils se retirèrent. Il est heureux pour ceux qui ont commis une telle violence, que, vivant dans la tranquillité, & n'ayant lieu de me méfier de personne, puisque je n'ai eu aucune querelle avec des individus d'aucune qualité, j'avois négligé de tenir mes armes en état, n'ayant pas même un fusil ou un pistolet chargé. Ils ont même levé une trappe de cave, & l'ont jettée dans la rue. Ils ont fait un dommage considérable par différentes fractions; mais ce n'est pas tant la conséquence du dommage que l'intérêt public qui me dirige: car qui est celui qui peut dire, "je suis tranquille chez moi?" Aussi pour parvenir à connoître les Malfaiteurs, & qu'ils soient punis dans la rigueur de la Loi suivant l'exigence du cas, j'offre & promets payer après conviction, à celui qui dénoncera un ou plusieurs de ceux qui ont enfreint la paix en détruisant ma propriété, une somme de cent Piastras d'Espagne. Si un ou plusieurs d'eux étoient découverts, il en resulteroit à tous les Citoyens & à chacun l'avantage de la sécurité.

PIERRE DUCALVET.

This

This advertisement Mr. Du Calvet sent also to Quebec, in order to have it published in the Quebec Gazette: but the person who was employed by General Haldimand, the Gouverneur of the province, to super-intend the publication of the Gazette, would not permit it to be there published. So little was the Government at that time inclined to make the necessary exertions to discover and punish the persons guilty of this outrage.

Mr. Du Calvet has since discovered who the persons were that committed this shameful act of violence; but, as the evident disinclination of the persons who governed the province to discover and punish the offenders, discouraged him from prosecuting it in a publick manner, he does not chuse to mention their names, though he is acquainted with them, and even has been informed of their boasting of the fact in company at the house of a gentleman at Montreal a few days after they had committed it.

The foregoing outrage was committed on the 8th of April, 1779. In about five weeks after, to wit, on the 11th of May, 1779, another attempt of the same kind, but rather more violent than the former, was made upon the same house, at two o'clock in the morning by eight or nine soldiers armed with bayonets. They attempted to force open both the door
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and the out-side shutters of the house with their bayonets: but, as these shutters and the door were all of iron, they found it a difficult business, and were forced to make a good deal of noise in attempting it. This alarmed the servants of the house, (for Mr. Du Calvet was then in the country at an estate, or Seigniory, called *the Seigniory of the river David*, near Sorel, which he had bought some years before,) and they immediately got up and run into the upper stories of the house and called out at the windows for assistance: whereupon, the soldiers finding themselves discovered, went away. Such was the consequence of the impunity which had attended the former act of violence.

Other acts of the most shocking injustice were committed about the same time, May, 1779, against Mr. Du Calvet at his country residence at the Seigniory of the river David, which would, probably, never have been ventured upon if it had not been known that Mr. Frazer and Monsieur de Rouville, the two Judges of the Common Pleas at Montreal, and Mr. Mabane, the Judge of the Common Pleas at Quebec, and the great favourite and adviser of General Haldimand, the Governour of the province, were his enemies, and that therefore there was little to be apprehended from any prosecutions he should institute for the

the redress of them in the Courts of Justice. Three valuable horses were stabbed with knives in his stables at the river David, and several of his cows and hogs and other cattle were wounded and lamed with the same instruments by some malicious persons who are unknown to him, and whom, from a despair of procuring Justice against them if they had been known and prosecuted, he took no pains to find out.

The Court of Common Pleas at Montreal appeared to be so very partial against Mr. Du Calvet in every suit of his that was brought before them; that Mr. Du Calvet could not forbear addressing them in a letter of complaint published in the Gazette of Montreal of the 26th of May, 1779, in which he mentioned some of the proceedings of the Judges which he conceived to be most unjust towards him, and which, in truth, have a very extraordinary appearance, and seem difficult to be accounted for in any other way.

To state the history of these proceedings of these Judges exactly, and to explain the nature of the actions that gave rise to them, would extend this narrative to too great a length. But Mr. Du Calvet is possessed of the Gazette of Montreal in which his letter is contained, and is willing to shew it to any person who is desirous of enquiring further
into

into this matter ; and he is likewise willing to explain to such persons all the history of these actions in the Court of Common Pleas, at Montreal, and the proceedings of the Judges upon them, being confident that he shall be able to satisfy every reasonable and impartial person, that will take the pains of inquiring into the matter, that his complaints of the Judges of Montreal contained in that letter in the Gazette are perfectly well grounded.

This letter, however, (which, perhaps, it was imprudent, though by no means unjust or unfair, in him to publish,) gave his enemies some advantage over him. It was resolved that he should be prosecuted criminally for having published a seditious libel against his Majesty's Judges of the Court of Common Pleas at Montreal. Accordingly an Information was brought against him for this offence in the King's Bench, or Supreme Court of the province, by the Attorney General, which came on to be tried at Montreal before the Commissioners for executing the office of Chief Justice in Mr. Livius's absence, and a Special Jury of the principal English inhabitants of that city. And they acquitted him of the charge without difficulty : from which we may conclude that they were clearly of opinion that the complaints of the conduct of the Judges of Montreal which were contained in the supposed libel, or letter, published by Mr.

Du

Du Calvet, were not false and injurious, but true and notorious.

This acquittal of Mr. Du Calvet gave great and general satisfaction to the inhabitants of Montreal, both English and Canadian, who thought it very hard that an honest and inoffensive man should, first, have been treated so unjustly as he had been, by the Judges of the Court of Common Pleas at Montreal in the several suits he had brought in their Court, and, afterwards, should be prosecuted criminally for complaining of such treatment. But it provoked Monsieur de Rouville (the Judge of the Common-Pleas, by whose advice and instigation the prosecution had been undertaken,) and Mr. Mabane, (one of the Commissioners of the Supreme Court, before whom the information had been tried,) to a degree, almost, of madness. Monsieur de Rouville declared openly at Montreal, immediately after the trial, "that they would take another method of being revenged on Mr. Du Calvet, and that he should soon feel the effects of their resentment." And Mr. Mabane, two days after the trial, being in company with a Mr. Mac Gill, a respectable merchant at Montreal, and a Commissary (as they are now called,) of the Peace, and hearing Mr. Mac Gill say, "that the Judges of the Common Pleas had done wrong to institute that prosecution against Mr. Du Calvet," replied

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with

with vehemence and spite, "As soon as I get
 " back to Quebeck, I shall take such me-
 " thods as will cause him to be locked up be-
 " tween four walls for the remainder of his
 " life."

These threats of Mr. Mabane were soon
 after carried into execution in too great a de-
 gree by means of Governour Haldimand's
 military power, in the manner following.

On the 21st of September, 1780, Mr. Du
 Calvet went from Montreal, in Company with
 Mr. John Thompson and Mr. Lewis Boullay,
 both of Montreal, to attend the Court of ap-
 peals, or Court of the Governour and Coun-
 cil at Quebeck, in order to enter into the bonds
 required of him, on account of a Law-Suit
 that had been brought by Messieurs Watson
 and Rashleigh against him in the Court of
 Common Pleas at Montreal, and which had
 been removed by appeal before the Governour
 and Council, and which he proposed to re-
 move further before the King in his Privy
 Council in England, where alone he could
 hope to obtain Justice.

For this purpose he was required by the
 Governour and Council to come in person to
 Quebeck, instead of being permitted to do this
 business by a power of Attorney executed at
 Montreal to some person resident at Quebeck

to do it for him ; though that was an indulgence which had been granted to many other persons in similar circumstances.

Mr. Du Calvet reached Quebeck on the 23d of September, and on the 25th at ten o'clock in the morning, he went to the Court of Appeals and entered into the Bonds required of him, and immediately afterwards went to pay his respects to General Haldimand, the Governour. He was received by the Governour with great politeness, and talked with him of several indifferent matters for about a quarter of an hour. He then told him he was going back to Montreal the next day, where he intended to make all the necessary preparations for a voyage to England by the fleet that was to sail on the 25th of the next month of October, 1780 ; and he asked the Governour, whether his Excellency had any commands for him at Montreal. The Governour said he had nothing to trouble him with, and they parted with great civility on both sides, and without the smallest suspicion in Mr. Du Calvet that the Governour could at that very time have issued any order, or consented to the issuing of any order, to his prejudice, which he afterwards found to be the case,

On the next day, the 26th of September, Mr. Du Calvet set out on his return to Montreal in company with the above-mentioned Mr. John Thompson of Montreal and Mr.

James Curchod, a merchant of Quebec. He went to *Trois rivières* or *Three rivers*, (which is 90 miles from Quebec and half way to Montreal,) without any molestation, or remarkable accident. But on the 27th of September, at about 4 o'clock in the afternoon, when he had gone about four miles and a half beyond *Three rivers*, he was met by Captain George Laws, of the 84th regiment, or *Royal Emigrants*, (which was at that time commanded by Brigadier General Mac Leane,) and another officer.

They came up to him on the road with pistols in their hands, and told him "that he was their prisoner; that they had order to arrest him wherever they found him, and to carry him before General Haldimand."

Mr. Du Calvet expressed his surprize at this proceeding, as he was but just come from Quebec, where he had seen General Haldimand and been civilly treated by him, and where General Haldimand might have ordered him to be arrested, if he had had any such intention. He desired to see the warrant by which they acted, and to know the cause of this strange and unjust proceeding, for which he was not conscious of having given the smallest occasion. He at the same time told them he submitted to the arrest, and would quietly go back with them to Quebec, where he hoped to

to have his liberty restored him by General Haldimand, when the General should be convinced that he had not, in the smallest degree, deserved to lose it.

They told him he must go back with them to *Three rivers*, and that when they were there, they would acquaint him with all they knew about the matter. He accordingly went back with them to *Three rivers*, as did likewise his two companions Mr. Thompson and Mr. Curchod.

When they were at *Three rivers* they confessed to him that they had no warrant, or order in writing, to produce in support of what they had done, but that they had acted in obedience to the verbal order of Brigadier General Mac Leane, who had also given them a sealed letter to General Haldimand, in which they seemed to suppose General Mac Leane's reasons for this proceeding were explained. They added, "that a verbal order from General Mac Leane was authority enough for them to act upon, and that they were officers and had power to enforce obedience to whatever they thought fit to do." And accordingly, to convince Mr. Du Calvet of their power, they sent immediately for a strong guard of German soldiers from the garrison of the town of *Three Rivers*, who immediately came with an officer at their head, and filled

filled the post-house, at which Mr. Du Calvet and the officers who had arrested him then were. They there were going to search Mr. Du Calvet's pocket for letters and papers, telling him that such were their orders : but Mr. Du Calvet prevented this disagreeable insult by taking out all his papers himself and putting them into his letter-case, which he tied with a piece of silk, and sealed in their presence, and then delivered to Captain Laws, and desired him to take care of it, and not to break the seals of it, or open it, but in his, Mr. Du Calvet's, presence; for that by this care both his own Innocence and their Justice towards him would be best vindicated. Captain Laws, upon this, promised him upon his honour, that the letter-case should not be opened but in his, Mr. Du Calvet's, presence.

Mr. Du Calvet was kept at Three Rivers all the night of the 27th of September, with a numerous guard of soldiers in the house: and, while he was asleep, he was robbed by some person or other, (he knows not who,) of 25 guineas, which were taken out of his waist-coat pocket. When Mr. Thompson and Mr. Curchod saw that, notwithstanding there was no written order for arresting Mr. Du Calvet, and no crime laid to his charge, or mentioned by Captain Laws, as the cause of this arrest, they nevertheless persisted by military violence to keep him under arrest, and were

were resolved to carry him a prisoner to Quebec, they took their leave of him, and pursued their journey to Montreal.

On the 28th of September, Captain Laws set out with Mr. Du Calvet, as his prisoner, for Quebec, attended only by one German soldier. They lay that night at Des Chambaud, at about 45 miles from Quebec. Mr. Du Calvet was permitted to lie in a chamber by himself. He waked twice in the night-time, and one of the times was obliged to go out of the house for a few minutes. Here he was met by a Canadian peasant, who offered him an easy means of escaping from his guard, if he had been so inclined. For he had left them fast asleep in the house. The peasant, who knew and respected Mr. Du Calvet's character, addressed him in these words; "It is
 " really, Sir, a shocking and a shameful thing
 " that a man of your rank and character
 " should be arrested in this manner without
 " knowing why or wherefore. If you have
 " a mind to make your escape, you need only
 " go to the next house, where you will find
 " a calash with two good horses ready to take
 " you up immediately, and carry you where-
 " ever you shall chuse, without any body's
 " knowing what is become of you. Your
 " keepers, when they wake, may take what
 " steps they think proper. We are not afraid
 " of what they can do."

Mr.

Mr. Du Calvet thanked the Canadian for his good will, but declined making use of the means he had offered him for his escape, though he thought it might very easily have been effected. But Mr. Du Calvet wished for a publick vindication of his conduct and restoration of his liberty by the order of General Haldimand himself, when the General should be convinced that he was perfectly innocent of every charge that his enemies might have alledged against him, though he could not then imagine what those charges could be. He therefore returned to his bed-chamber, and the next morning went on with Captain Laws, as a prisoner, towards Quebeck. When they were come to the village of Lorette, (which is about 9 miles from Quebeck,) Captain Laws, at the post-house, where they changed horses, happening to take his Letter-case out of his pocket, Mr. Du Calvet took that opportunity of desiring him to shew him the letter of Brigadier General Mac Leane to General Haldimand, which had been mentioned the day before as a sort of authority for this strange arrest. The captain seemed disposed at that time to treat Mr. Du Calvet with civility, and, accordingly, shewed him a sealed letter, which, he said, was written by General Mac Leane, but which was not directed to General Haldimand, but to Mr. Mathews, his Secretary: And the Captain declared at the same time, that that was the only writing by which he had been
authorized

authorized to make Mr. Du Calvet a prisoner, and that all the other orders he had received upon the subject were merely verbal. He added, that he was sorry that he had been obliged, in obedience to the orders he had received, to act as he had done towards Mr. Du Calvet, and told him, that a Mr. Moore, of Montreal, (the deputy of the quarter-master for the district of Montreal, and a devoted partisan of Mr. Frazer and Monsieur de Rouville,) had been very earnest in soliciting Brigadier-General Mac Leane to give Captain Laws the order for arresting Mr. Du Calvet, which he had executed the day before, and to send another officer of the *Royal Emigrants* with a like order to arrest Mr. Du Calvet on the South side of the river Saint Lawrence, in case he had taken that side of the river in his return from Quebec to Montreal. He said, that the persons who had been the advisers of this arrest had resolved, "that it should be made while Mr. Du Calvet was on the road from Quebec to Montreal, rather than when he was in either of those towns, in order to make it more notorious and disgraceful to him, and that they therefore had acted in the irregular and extravagant manner which has been mentioned, and of which he, for his part, was quite ashamed, though he had thought himself bound to obey the orders which had been given him."

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Captain

Captain Laws and his prisoner, Mr. Du Calvet, arrived at Quebec at about 3 o'clock in the after-noon of the 29th of September, and went to a noted Publick house there, that was kept by a Mr. Le Moine. There the Captain left Mr. Du Calvet under the guard of the German soldier, and went to the Castle of Saint Lewis, in which General Haldimand resided, to acquaint the General "that he had brought up Mr. Du Calvet as a prisoner, in obedience to his Excellency's orders communicated to him by General Mac Leane, and to inform his Excellency further, that Mr. Du Calvet desired the honour of being admitted into his Excellency's presence, in order to be made acquainted with the cause of his arrest, and be permitted to say what he could in Justification of himself against the charges that might have been brought against him."

General Haldimand heard him with a smile upon his countenance that seemed to express a satisfaction at having thus publicly disgraced Mr. Du Calvet; and, when the Captain had delivered his message, bid him, as it was about dinner-time, go back to his prisoner, and eat his dinner, as he was himself just going to do, and said, "that after dinner he would send his Secretary, Captain Mathews, with an answer to Mr. Du Calvet's request." The Captain, upon this, took his leave of the Governor,

nour, and returned to the Inn to Mr. Du Calvet; and dined there.

Soon after their dinner Captain Mathews, the Governour's Secretary, came to tell them that the Governour would not be at leisure to see Mr. Du Calvet till the next day. This was a bad piece of news for Mr. Du Calvet; and the look and manner of Captain Mathews at the time of delivering it, gave him additional uneasiness. Captain Mathews soon after took Captain Laws aside, and spoke with him in private; and, a little after, they both went out of the room together, leaving Mr. Du Calvet, as before, under the guard of the German soldier.

At about half an hour after 6 o'clock in the evening Captain Laws came back in company with Captain Shank, the Commander of a King's ship of war, of about 400 tuns burthen, and that could carry 28 guns, called *the Canceaux*. This Captain Shank produced an order in writing from Governour Haldimand, signed by Captain Mathews, his Secretary, commanding him to receive Mr. Du Calvet on board his ship, and keep him there as a prisoner, without permitting any person to have access to him to speak to him. This order was dated the 29th of September, 1780.

It has been observed, that Captain Laws had brought up with him a letter from Brigadier-General Mac Leane to Captain Mathews, the Secretary of General Haldimand, which Captain Laws had supposed to contain a communication of the order he had given Captain Laws to arrest Mr. Du Calvet. But it appeared afterwards, that Mr. Du Calvet's name was not mentioned in this letter. For when Captain Laws, after leaving Mr. Du Calvet after dinner to go out with Captain Mathews, came back to him with Captain Shank and the order for his imprisonment on board the *Canceaux*, (which was a thunder-stroke to Mr. Du Calvet,) Captain Laws told him, that Captain Mathews and himself had just been together to Mr. Cramahé's, the Lieutenant-Governour, and had had a conversation with Mr. Cramahé concerning the letter, which was as follows,

The letter was shewn by Captain Mathews to Mr. Cramahé, as a ground for him to give an order for detaining Mr. Du Calvet in prison, as it had been customary for him to do when directed by the Governour to cause any person whom the Governour thought fit to suspect, or say he suspected, of dangerous practices against the Government, to be apprehended.

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In what capacity Mr. Cramahé issued these warrants,—whether by some supposed authority in civil matters as Lieutenant-Governour of the province, (though his Commission of Lieutenant-Governour gives him not the smallest authority to act except in the cases of the Governour's death, or absence from the province,) or whether as a Justice of the Peace, or (as they now call it) a Commissary of the Peace, for the district of Quebeck,—it is not very easy to discover. But “that he issued many of these warrants, whereby many of his Majesty's subjects have been imprisoned for long terms without a trial, in a manner that has very much shocked and alarmed and disgusted the whole province,” is most certain. He had, however, the discretion to avoid issuing these warrants without some authority in writing from the Governour, or some other person, or some testimony in writing concerning the crimes charged upon, or the suspicions entertained of, the persons he was thus required to imprison; which writings he kept by him, as his vouchers and means of Justification, in case he should afterwards be sued at law, or otherwise called to answer, for these imprisonments. And with this view he read over General Mac Leane's letter to Captain Mathews, intending to act agreeably to its contents.

In this letter he found that General Mac Leane gave Captain Mathews to understand that

that he had ordered a *Mr. Pellion* (a surgeon at Montreal,) to be arrested and brought up a prisoner to Quebeck, but made no mention of *Mr. Du Calvet*. And thereupon, as soon as he had read the letter, he said, "well; Captain Laws, you have, I suppose, brought up with you *Mr. Pellion*, as a prisoner." "No, Sir," replied Captain Laws, "I have brought up *Mr. Du Calvet*;" "This is very strange," said *Mr. Cramahé*; "there is General Mac Leane's letter to Captain Mathews, which mentions the arresting of *Mr. Pellion*, but says not a word of *Mr. Du Calvet*. This is a very odd way of proceeding, thus to apprehend one man instead of another." Accordingly *Mr. Cramahé* would not sign the order for *Mr. Du Calvet*'s imprisonment; and it was signed only, as has been already mentioned, by Captain Mathews, the Governour's Secretary. In this manner have the liberties of his Majesty's subjects been sported with of late years in Canada!

When Captain Laws came back with Captain Shank and the order for *Mr. Du Calvet*'s imprisonment on board the *Canceaux*, he told *Mr. Du Calvet*, that the Governour required him to deliver up his arms, which were only a *couteau de chasse*, or hanger; which he accordingly did deliver up, and has never seen it since, any more than the 25 Guineas of which he

he had been robbed at *Three rivers*. Captain Laws told Mr. Du Calvet at the same time, that he had delivered his letter-case, containing his papers, as above-mentioned, to General Haldimand, who had promised that he would take great care of it, and never open it but in Mr. Du Calvet's presence.

The General did not, however, keep his word in this business. For the letter-case was opened without Mr. Du Calvet's being present, and while he was a prisoner on board the *Canceaux*; and the papers contained in it were seen by several persons lying in disorder in the Governour's chamber, and were returned to Mr. Du Calvet in a dirty condition, with the letter-case itself with the seals and clasps broke, in the following month of November.

About 7 o'clock in the evening, of the same day, the 29th of September, 1780, Mr. Du Calvet was carried, as a prisoner, to the long-boat of the *Canceaux* by Captain Laws and the aforesaid German foldier, where Captain Shank and a part of the crew of his Ship were prepared to receive him.

Captain Shank attended him in the boat to the *Canceaux*, and there delivered him over to the custody of Mr. Atkinson, the master of the Ship, who immediately placed a Sentinel at the door of the cabin, and gave him strict orders

orders to keep Mr. Du Calvet a close prisoner, and not to let any person whatsoever have access to him. And about 9 o'clock, when Mr. Du Calvet asked for a bed to rest himself in, he was shewn a very little cabbin, which he was told was to be his bed-chamber. There was, at the time it was shewn him, a good mattraß and feather-bed on the bedstead in this room: but they were taken away in his presence and packed up in a bag, and not made use of by any other person for that and the following night.

Mr. Du Calvet desired Mr. Atkinson to leave the bedding to the bed-stead for his use: but he was told, "*that his orders were otherwise.*" He then desired, they would go and purchase some bedding for him in the town of Quebeck, but he was told, "*that this likewise was again his orders, which were, that Mr. Du Calvet should lie on the bare boards; and that even that was too good for him.*" He gave him, however, a small blanket, about five feet long and three feet and a half broad, which was so exceedingly dirty and nasty that he could not bear to make use of it, but chose rather to lie down in his great coat.

And thus the declarations of his powerful enemies, Mr. Mabane, (the Judge of the Common-Pleas at Quebeck,) and Mr. Fraser and Monsieur de Rouville, (the Judges of the Common-

Common-Pleas at Montreal,) "that they would soon find methods of getting him thrown into prison, though the criminal prosecution at Montreal for a libel had failed of producing that effect," were speedily and fully accomplished, and with circumstances of cruelty and hardship that may be presumed to have been perfectly according to their hearts desire. Captain Shank, it may here be observed, in whose custody Mr. Du Calvet was treated with all this severity, was an intimate friend of Mr. Mabane.

While Mr. Du Calvet was treated in this cruel manner on board the *Canceaux* by the particular orders of General Haldimand, his house at Montreal was searched, and his papers examined with a view of finding some matter of accusation against him. But they could not find any thing that in the smallest degree answered their expectations or their wishes.

This search was made about the same time that he had been arrested by Captain Laws, that is, about the end of September, 1780, by Brigadier-General Mac Leane, (by whose verbal order to Captain Laws he had been arrested near *Three rivers*,) accompanied by Major Dunbar, (an intimate friend of Mr. Fraser, and who had married a sister of Mr. Fraser's wife,) and two commissaries of the Peace, Mr. Mac-Gill and Mr. Porteous. The

two former gentlemen required Mrs. La Prise, Mr. Du Calvet's house-keeper, to shew them the bureau in which Mr. Du Calvet kept his papers; and, when she had done so, they required her to open it. This she at first refused to do: but, by their threats, they forced her at last to do it. And, when General Mac Leane and Mr. Dunbar (for the two commissaries of the peace did not chuse to act in the business,) had examined all the papers contained in it, they said they had not found what they were in search of. They then went up stairs and searched the upper rooms of the house, but declared, when they came down, that they had found nothing material. They then placed a Centinel at the door of the house, and went away.

The account of this proceeding, that was given by Mrs. La Prise herself, at Mr. Du Calvet's desire, in June, 1783, after his enlargement from prison, and which was dictated by her to Mr. Fleury Mesplet, the printer of the French Gazette at Montreal, and by him written down in her presence and approved by her, is in the words following.

A la fin de Septembre, 1780, Le Brigadier Général Mac Leane, accompagné de Monsieur Dunbar, et de deux commissaires, Messieurs Mac Gill et Porteous, en entrant dans la maison de Monsieur Du Calvet à Montréal, demanda à Ma-
dame

dame La Prise de leur montrer le Bureau où Monsieur Du Calvet tenoit ses papiers ; ensuite de quoi ils en demandèrent l'ouverture. Après plusieurs instances ils obligèrent la ditte dame La Prise, par de fortes menaces, de l'ouvrir.

Après avoir visité tous les papiers du dit bureau en présence des dits commissaires, ils dirent qu'il n'y avoit rien de ce qu'ils cherchoient.

Ensuite ils demandèrent à visiter dans le haut de la maison. Après la visite ils dirent encore qu'ils ne trouvoient rien. Aussi tôt ils posèrent une centinelle autour de la maison.

When Mr. Du Calvet was released from his imprisonment in May, 1783, and returned to his house at Montreal, he found that two of his bureaux, of which he had had the keys with him at the time of his being arrested, (and which, consequently, Mrs. La Prise, his house-keeper, had not been able to open for the satisfaction of General Mac Leane and Major Dunbar,) had been broke open by force, and all his papers tumbled over and thrown into confusion, and had lain in that condition all the time of his imprisonment, that is, from September, 1780, to May, 1783. Many papers of consequence were carried away, or lost, and, amongst them, some promissory notes for money and some bonds, which he has

never since been able to recover, or hear any tidings of.

While Mr. Du Calvet was going with Captain Laws, as his prisoner, from *Three rivers* to *Quebeck*, the Captain told him that, about an hour and a half before he had arrested him, he had met with the son of Mr. Rouville, the Judge at *Montreal*; a young man who, by the favour of General Carleton, while he was Governour of the province, has obtained the title and pay of a Captain of the Canadian light troops that were to have been raised in the province, if they had not been so utterly disinclined to the service as to render that measure impracticable.

This young Mr. Rouville was going from *Quebeck* to *Montreal* on the 27th of September, 1780, (the day on which Mr. Du Calvet was arrested,) when he met Captain Laws who was coming the opposite way, from *Montreal* towards *Three rivers* and *Quebeck*. This was about 3 o'clock in the afternoon. Mr. Rouville on this occasion spoke to Captain Laws in the words following; "Well, Captain Laws, you are come from *Montreal* to
 " arrest Mr. Du Calvet. You will meet with
 " him very soon on the road between this
 " place and *Three rivers*. For he got to *Three*
 " *rivers* just as I left it. I am much afraid
 " that he will be allowed to speak with
 " General

“ General Haldimand, and that he may prevail with him not to send him to prison, and “ that nothing may come of all this at last.”

This Mr. Rouville, junior, had left Quebec on the 25th of September, and had seen General Haldimand a little before he left it, and before Mr. Du Calvet had waited upon the General on the same day, the 25th of September: for Mr. Du Calvet had met Mr. Rouville, junior, coming from the General's house.

From this it appears clearly that this Rouville, junior, knew of the intention of arresting Mr. Du Calvet on the road to Montreal, before it took place, and likewise that General Haldimand, at the very time that he behaved so civilly to Mr. Du Calvet when he waited on him before his return to Montreal, had formed the resolution of having him arrested on the road thither.

The elder Mr. Rouville, the Judge at Montreal, was likewise acquainted with the intention of arresting Mr. Du Calvet before it took place. For on the 27th of September, 1780, the day on which Mr. Du Calvet was arrested, Mr. Rouville went to Mr. Boulay, (who is his neighbour at Montreal,) immediately upon his arrival at Montreal from Quebec, (which was about eleven o'clock in the morning of that day, and therefore above five hours before

fore Mr. Du Calvet was arrested,) and said to him, with an air of great joy and triumph, " That Mr. Du Calvet was certainly arrested " and put into prison as a prisoner of state," throwing out at the same time a thousand invectives against him that nothing but the most bitter enmity and malice could have dictated.

Mr. Du Calvet having been thus cruelly treated without any previous cause or ground, it became necessary for the Government to endeavour to find out, if possible, *after* the arrest, some plausible pretext to justify it. With this view General Haldimand sent Captain Le Maître, his Aide de Camp, and Mr. Edward William Gray, the Sheriff of the district of Montreal, to Mr. Du Calvet's Seigniorship of the river David, to see whether there was any ground for the reports which had been spread about, of his having collected great quantities of corn, and great numbers of oxen and hogs, to be employed for the use of the Americans of the neighbouring provinces in case they should again invade the province of Quebec.

In these reports it had been said that he had got together no less than 1,500 head of oxen, as many hogs, and 30,000 bushels of corn. But, when Captain Mr. Le Maître and Mr. Gray came to examine the premises, and had

had searched every yard, and stable, and barn, and other place they could think of, where such stores and cattle might be kept, they found, instead of 1500 Oxen, not a single one, and, instead of 1500 hogs, about a dozen pigs, and not a single pound of bacon, and, instead of 30,000 bushels of corn, about a hundred bushels, which had arisen from the tolls of Corn which the tenants of the Seignior had paid, according to the custom of the country, for grinding their corn at his, the Seignior's, mill. They then called together several of the peasants in the neighbourhood, or what in England we should be apt to call the neighbouring farmers, (but in Canada they are for the most part, not farmers of other mens lands, but cultivators of their own freehold lands of about 80, or 100 acres a-piece;) and they enquired of them whether Mr. Du Calvet had been getting together any extraordinary quantity of corn or cattle, and had concealed it any where to their knowledge: and they were told that there was not the smallest foundation for any such suspicion; for that Mr. Du Calvet was a plain, well-meaning man, and had lived amongst them like a good-natured Seignior, or country-gentleman, and had spent his time in improving his estate there and employing many of the industrious poor among them with great liberality, and seemed never to take the least concern about

Politicks

Politicks or the war with the neighbouring provinces of America.

Mr. Lewis Jussome (whose sister Mr. Du Calvet had married,) was the person who had at this time the care and management of Mr. Du Calvet's seigniory at this place. He received Captain Le Maître and Mr. Gray with great civility, and opened every place to them that they desired to see. And, when they found that the reports that had been spread about, were so intirely without foundation, they expressed their surprize at it to Mr. Jussome, and told him, "that they plainly saw
 " that all the reports they had heard to Mr.
 " Du Calvet's disadvantage, were perfectly
 " false and groundless, and had been wickedly and maliciously invented by his enemies in order to injure him; and that they
 " hoped that the account they should give
 " General Haldimand of what they had seen
 " and heard in this inquiry, would intirely
 " efface from the General's mind all the impressions to Mr. Du Calvet's prejudice
 " which the insinuations of his enemies had
 " made on it."

It has been seen that Mr. Du Calvet was carried, as a prisoner, on board the *Canceaux* on the 29th of September, 1780, at about 7 o'clock in the evening; and that he was there obliged to lie on the bare boards, by the particular

particular orders of General Haldimand, the bedding that was in his bed-chamber being taken away before his face and stuffed into a bag, though no other person made use of it for that night and the next; and none of his friends were permitted to come to see him. He lay in this manner for four nights: but on the fifth night, that is, the 3d of October, 1780, he was permitted to make use of a mattress, which was sent him by his friend Mr. L'Évesque, a worthy merchant of the town of Quebeck, that is a member of the Legislative Council of the province. His food on board the *Canceaux* was salt beef and musty biscuit, and he was not permitted to send any body on shore to procure him fresh provisions for his own money.

In this condition he continued till the 14th of November, 1780, his health declining very fast with a fever and spitting of blood, and extreme weakness brought on him by this treatment; and none of his friends were all this while permitted to have access to him. But he himself wrote several letters to General Haldimand representing the hardships he suffered and the bad effects they had had upon his health, and the probability there was that his death would soon be the consequence of them, if they were continued: and he presumes his friends (although they had not been permitted to go on board the *Canceaux* to see him)

him) might have made the like remonstrances to the General.

These letters, or remonstrances, at last produced some effect: for General Haldimand ordered him to be removed from on board the *Canceaux* into the military prison at *Quebeck* on the 14th of November, 1780, that is, after between six and seven weeks confinement on board the *Canceaux*. Mr. Du Calvet continued in the military prison at *Quebeck* from the 14th of November to the 13th of December, 1780, when he was removed to the convent of the Recollet Monks at *Quebeck*, where he continued during the whole remainder of his confinement, that is, till the 2d of May, 1783.

Mr. Du Calvet's condition was but little mended by his removal from on board the *Canceaux* to the military prison. He was indeed permitted to buy himself some wholesome food once in 24 hours; which had not been allowed him on board the *Canceaux*. But the room he was confined in, was more nasty and unwholesome than the little cabin he had been kept in before. It was a large room, 30 feet long and 20 broad, on the ground story of the prison: but it was not floored with wood, but paved with stones, like the street or a stable; and it was arched over head with stone. It was extremely damp, and dark, the
sun

sun never shining into it : and in the time of the French government it had been used only as a stable for horses. There were twelve beds in it besides that of Mr. Du Calvet ; and there were five or six tubs in it that were partly full of ashes, and which had been used as close-stools by some prisoners who had been confined there ; which, with the nastiness of the said twelve beds, made such a stink as was almost intolerable. In short it was so nasty and unwholsome a place that, when Mr. Fisher, (who was at that time the deputy-surgeon of the garrison under Mr. Mabane) came to see Mr. Du Calvet on the 8th of December by the direction of Mr. Cramahé, the Lieutenant-Governour, he could not help expressing his surprise and indignation that a man of Mr. Du Calvet's condition and character should be confined in such a noisome place. Yet this was by no means an act of necessity, from the want of better chambers to confine him in. For there were several better rooms in the same prison, where he might have been confined, and which he offered Mr. Prenties, the Provost Martial, who kept that military prison, to pay him handsomely for the use of : and Mr. Prenties would have been glad to do so, but told him he had orders to keep him in that room. Mr. Du Calvet then desired that the room might be thoroughly washed and cleaned, and those nasty tubs, full of human ordure, might be removed ;

ved ; and that he would pay for doing it. But this likewise was refused him. So that it is clear, beyond a doubt, that Mr. Du Calvet's enemies acted against him from motives of spite and malice, and not from a regard for the safety and welfare of the province, which would have been equally well provided for (supposing, for a moment, that he had had any design to disturb it,) by keeping him in confinement without all these circumstances of cruelty.

During the imprisonment of Mr. Du Calvet in the military prison at Quebec, General Haldimand was at one time upon the point of giving him his liberty, being convinced that the suspicions which his enemies had insinuated against him were without foundation. But an indiscreet letter of Mr. Du Calvet written to the Governour just in the moment of this favourable disposition towards him, renewed the Governour's resentment against him and prevented Mr. Du Calvet's enlargement from prison in the instant it was going to be accomplished. I call this letter an *indiscreet one*, because in a province that is governed, (as Quebec has of late years been,) upon the principles that prevail at Algiers and Tunis, or according to the mere will and pleasure of the Governour, with a declared contempt of all the restraints or rules of Law, it is certainly *indiscreet* to claim one's rights,
and

and complain of the hardships one labours under, in a tone of firmness and resolution. But in other respects the letter was perfectly just and proper, and liable to no manner of exception; as will be presently seen when we come to set forth the letter itself at length in the following pages of this narrative. But it will first be proper to mention the steps that were taken by Mr. Du Calvet's friends to procure from General Haldimand an order for setting him at liberty, and the near prospect they had of succeeding in this endeavour, if that unfortunate letter had not prevented it.

On the 6th of December, 1780, Mr. L' Evesque represented to General Haldimand the wretched condition in which Mr. Du Calvet was, the declining state of his health, and the unwholsomeness of the room in which he was confined, and besought his Excellency to give him his liberty, if not freely and absolutely, at least upon his giving good security for his good behaviour; and he offered himself to become Mr. Du Calvet's security for that purpose to any sum of money the General should think proper.

This request was made to General Haldimand publicly at his levée at Saint Lewis's Castle. General Haldimand said, in answer to it, (as he had often said to Mr. L' Evesque before in speaking of Mr. Du Calvet,) "that
" he

" he was sorry that Mr. Du Calvet had been
 " suspected of designs against the Govern-
 " ment, and that he had thought himself ob-
 " liged to secure his person ; but that, as no-
 " thing had been discovered to confirm those
 " suspicions, he was willing to restore him
 " to his liberty upon the terms proposed by
 " Mr. L' Evesque, of Mr. L' Evesque's be-
 " coming surety for his good behaviour ; and
 " that he was glad that Mr. L' Evesque had
 " interceded in this manner for Mr. Du Cal-
 " vet, and made this offer of being surety for
 " him, as it gave him an opportunity of re-
 " leasing Mr. Du Calvet from his confinement
 " with propriety and safety."

All this he said at his levée with an air of
 great good-humour and satisfaction, and at
 the same time called his Aide de Camp, Mr.
 Le Maitre to him, and ordered him to go with
 Mr. L' Evesque to Mr. Cramahé, the Lieute-
 nant-Governour, and tell him to draw up
 the bond, or instrument, by which Mr. L'
 Evesque was to become surety for Mr. Du
 Calvet, and to give an order to Prenties, the
 Provost-Martial, or keeper of the military pri-
 son, to set Mr. Du Calvet at liberty. For it
 must be observed, that all this business, "of
 committing people to prison, and setting them
 at liberty, out of the ordinary course of law,"
 was transacted by Mr. Cramahé, the Lieute-
 nant-Governour, by the order of General
 Haldi-

Haldimand, the Governour, and the warrants to the Provost-martial were all signed "*Hector Theophilus Cramahé*, by order of *his Excellency the Governour*."

By such an order of Mr. Cramahé Mr. Du Calvet had been removed from on board the *Canceaux* and confined in the military prison; though the order by which he had been sent on board the *Canceaux* had been signed only by Captain Mathews, the Governour's Secretary, and the original order under which he had been arrested by Captain Laws near *Three rivers*, had been only a verbal order of Brigadier General Mac Leane: And by such an order of Mr. Cramahé it was now the intention of General Haldimand that Mr. Du Calvet should be set at liberty.

Mr. L' Eveſque accordingly went immediately with Captain Le Maître, the Governour's Aide de Cap, to Mr. Cramahé, to procure such an order. But, unfortunately for Mr. Du Calvet, Mr. Cramahé happened to be just then so much engaged in business that he desired this order might be delayed till the next morning between 10 and 11 o'clock, when he promised Mr. L' Eveſque to deliver it to him, upon the terms proposed, if he would call for it. Mr. L' Eveſque accordingly called at Mr. Cramahé's house the next morning at the time appointed, and was shewn into
a room

a room in which he found Mr. Dunn (a gentleman of eminence at Quebeck, that was a great friend of Mr. Cramahé, and lived in the same house with him,) employed in drawing up the bond, or instrument, of surety-ship, which Mr. L' Evesque was to sign.

When the instrument was compleated, Mr. Dunn and Mr. L' Evesque went with it into another room to Mr. Cramahé, in order that Mr. L' Evesque might sign it in his presence, and that Mr. Cramahé might, in consequence, make out the order for Mr. Du Calvet's enlargement. But how great was their surprise when they heard Mr. Cramahé declare, "that he could not give such an order! for that the weather-cock had turned (*La Giroüette a tourné,*) or the wind had changed, since Mr. L' Evesque had been with him yesterday, and that General Haldimand had sent him a countermand to his order of yesterday in Mr. Du Calvet's favour!" Alluding by the mention of a weather-cock, to the capriciousness and variableness of General Haldimand's temper and conduct in this and other instances.

Mr. Cramahé made no mention of any reason for this change of the Governour's resolution, and possibly did not know any. But Mr. L' Evesque, it seems, guessed at the true cause, namely, that Mr. Du Calvet might have

have given the mighty Governour fresh offence by sending him an expostulatory letter written in too free a style, which the Governour might have received after he had consented to set him at liberty. And he soon after, upon inquiry, found that this had really been the case: which made him regret that he had not, upon leaving Mr. Cramahé the day before, gone immediately to Mr. Du Calvet in the military prison, and made him acquainted with the Governour's intended favour to him, in order to prevent his taking so indiscreet a step. But the mischief was then done; and no intreaties, or remonstrances, could ever after prevail upon General Haldimand to set Mr. Du Calvet at liberty till the 2d of May, 1783. So that it may truly be said, *"that he was kept in prison from the 7th of December, 1780, to the 2d of May, 1783, not for any supposed correspondence with the King's enemies, or for any other practices against the welfare of the province, but for having, in the anguish of his soul, and the consciousness of his perfect innocence, written an expostulatory letter to the Governour expressed in a style the Governour thought too free."*

Mr. Du Calvet, after his enlargement from prison, desired Mr. L' Evesque to give him an account in writing of the whole proceeding concerning the Governour's intended favour to him in the beginning of December, 1780. And Mr. L' Evesque, in compliance with this
P request,

request, sent him the following letter from Quebeck, dated July the 28th, 1783.

Monsieur,

En réponse à votre demande, Je vous dirai, que les premiers jours de Decembre, 1780, Je priai le Général Haldimand de vous laisser sortir de prison, en lui représentant le triste état où vous étiez, eu égard à votre santé et la mauvaise prison que vous occupiez ; lui offrant d'être votre caution. Il me fit réponse, (comme il avoit déjà dit,) qu'il étoit fâché que vous fussiez soupçonné : Enfin, il m'accorda votre élargissement, et appella Monsieur le Maître, à qui il dit d'aller avec moi chez le Lieutenant-Gouverneur, Monsieur Cramahé, lui dire de sa part de vous faire sortir, après avoir pris ma signature pour la forme du cautionnement. Le message fut fait ; et Monsieur de Cramahé, étant occupé alors, me pria de repasser le lendemain : ce que je fis ; et Monsieur Dunn dressa l'obligation : et la portant avec moi dans l'appartement de mon dit Sieur Cramahé ; ce dernier nous dit, " La giroüette a tourné ; le Général m'a envoyé contr'ordre." Je conçus que vous lui aviez pu écrire quelque chose la veille ou le matin. Je fus vous trouver, et j'appris de vous que je ne m'étois pas trompé ; ce que le
General

Général me confirma le dimanche d'ensuite à son lever. Je me suis reproché de ne vous avoir pas été prévenir sur le moment en sortant de chez le Lieutenant-Gouverneur la première fois : cela auroit arrêté votre lettre au Général et donné vraisemblablement votre Liberté.

J'ai l'honneur d'être bien parfaitement,

Monsieur,

Votre très humble

et très obéissant serviteur,

François L'Evesque.

It will now be proper to insert the fatal letter of Mr. Du Calvet himself to General Haldimand, which occasioned the prolongation of his imprisonment, with circumstances of great hardship and cruelty, from Dec. 7, 1780, to the 2d of May, 1783, but which, with men of any temper and moderation or love of justice, ought to have had the very contrary effect. It was as follows.

Lettre

*Lettre de Pierre Du Calvet à son
Excellence, le Général Frédéric
Haldimand, &c. &c. à Québec.*

*A la prison de Québec,
le 6 Decembre, 1780.*

Monsieur,

Quoique depuis le 27 du mois de Septembre dernier je ne cesse point de vous représenter la dure et triste situation où vous m'avez mis, en me faisant prendre pour votre prisonnier sans l'avoir mérité ; m'ayant traité depuis ma détention avec toute la gêne de l'esclavage le plus oppressif. Je vous ai demandé très respectueusement d'être instruit de la cause et des raisons de mon emprisonnement, pour me justifier. Vous n'avez pas jugé à propos d'en venir là, puisque vous me l'avez refusé. Je vous ai ré-itéré et écrit diverses fois que je n'avois rien fait en aucune maniere pour m'être attiré la dureté avec laquelle vous me maltraitez, et que, pour vous en donner des preuves authentiques, je vous ai demandé de me prescrire ce que vous désiriez de moi ; que j'étois prêt à le suivre : Vous avez gardé le silence. — Je vous ai exposé, que mes affaires et mes maisons étoient à l'abandon et entre les mains de mes domestiques, pour ainsi dire, au pillage ; et que cela me portoit
un

un tort et un préjudice des plus considérables et inappréciable à tous égards. Je vous ai même offert tous mes effets en général et de toute nature quelconque, pour les mettre dans les magasins du roi, à telle composition que vous souhaiteriez : Point de réponse. — Enfin, j'ai voulu me plaindre que j'étois malade, quand je l'étois au dernier point : (Car il est surprenant que je sois sorti vivant du bord du Canceaux,) Vous m'avez fait un crime d'en avoir fait un très petit détail dans une lettre que j'écrivais étant presque hors de moi-même, et ne croyant plus descendre à terre vivant. Telle a été ma situation à bord du Canceaux au commencement du mois de Novembre dernier que j'en suis très indisposé encore, et que je crains beaucoup que le mal de tête que j'ai attrapé là, ne me joue un mauvais tour : car je ne puis point en guérir. — Enfin, puisque je vois que mes biens s'en vont grand train, et qu'ils s'eclipsent ; — que ma famille est à la merci des domestiques ; — que je sens que ma santé et mes forces diminuent ; — je crois qu'il n'est pas hors de propos de vous donner une petite analyse très succincte des raisons qui occasionnent, par malheur pour moi, que Vous et Monsieur Cramabé ayez pris à tâche de me faire supporter toute votre inimitié. Car je n'ai point fait de mal ; et mon dessein n'est d'en faire à personne que ce puisse être.

A Ristigouche l'été 1759, par principes de religion et d'humanité, je retirai d'entre les mains des sauvages, avec grande peine, trente et quelques prisonniers Anglois avec un officier nommé César M'Cormick, lesquels alloient être sacrifiés. Je les envoyai, je les escortai moi-même avec soixante hommes dans un grand batteau jusqu'à l'isle de Quarraquet, où ayant fait tuer deux boeufs, je les approvisionnai et ensuite je les envoyai à Halifax. En 1760, à la prise de Montréal, cet officier s'y trouva : En conséquence le Général Amherst m'envoya chercher, et me fit beaucoup d'offres et de remerciements. Le Major Rogers, qui est arrivé ici l'année dernière, pourroit en rendre témoignage.

En 1761 le Général Gage me donna un passe-port pour partir pour Londres. Le Général Murray, étant informé que je connoissois la partie de l'Acadie, me prit le passe port, et me dit qu'il falloit que je fusse faire une tournée à l'Acadie pour le gouvernement. Enfin, il fit armer une grande chaloupe, et j'y fus avec ses ordres, où j'appaisai et je réunis à ses volontés les habitants qui étoient dans toute cette partie, à commencer depuis Gaspey, la Baye des Chaleurs, Quarraquet, et tous les autres endroits le long de la ditte côte. Je lui apportai le dénombrement ; même quelques bâtimens vinrent avec quelque familles. Par ce moyen tout fut tranquille et
 appaisé

apaisé, et rendu à la soumission du Gouvernement.

Le printemps 1764, je pris le parti de passer à Londres pour aller vendre mes biens en France, pour venir m' établir en cette province. A mon départ le Général Murray, sans le lui demander, m'honora de plusieurs lettres de recommandation : En particulier, comme le bâtiment alloit au port de Greenock en Ecosse, il m'en donna pour toute sa famille ; où nous fûmes très bien reçus, et principalement de my Lord Ellibank, ainsi que des Lords des Plantations. Je restai quelque temps à Londres. A mon départ le Comte d'Halifax me donna, ainsi que d'autres seigneurs de Londres, des lettres de recommandation pour my Lord Comte de Hertford, Ambassadeur à la Cour de France, ainsi que pour Monsieur Hume, Secrétaire d'ambassade. Après être arrivé à Paris my Lord Comte de Hertford vint avec moi chez Monsieur le Comte de Saint Florentin, et, après diverses visites, et de très grandes et vives conférences, my Lord Comte de Hertford parvint à m' obtenir ma permission du Roi pour vendre mes biens. Enfin, en conséquence de cette permission (quoique bien restreinte,) je vendis mes biens en faisant un sacrifice considérable. Je revins à Londres en Janvier, 1776, où je restai jusqu'en Avril, que j'enbarquai avec tous mes effets et bagages à bord du navire le Général Conway;

Conway ; et, étant arrivé ici à Québec, le Général Murray me fit nommer Juge de paix. Pour ne point le désobliger et pour ne pas lui déplaire, j'acceptai la commission, et j'ai en conséquence administré la justice gratis et avec le plus grand désintéressement que l'on puisse le faire jusques à l'introduction de l'acte de 1774, qui en a changé la forme. J'en ai été même pour beaucoup d'argent outre mon temps.

Lorsqu'il y a eu quelque émeute ou désordre, je l'ai apaisé ; tels que ceux des faux-bourgs de Montréal en 1772 et 1773. Les lettres même de remerciements que le Général Carleton m'écrivit à ce sujet, en font foi.

C'est moi qui ai fait connoître les prévarications qui se commettoient, et qui ont causé l'ordonnance de 1770. Les lettres que j'ai reçues à cet égard, de Monsieur le Général Carleton, de Monsieur Crémahé, de Monsieur Hey, et de quelques autres, le prouvent ; et tout le Public en général peut en rendre témoignage.

Lorsqu'il s'est agi de donner quelque argent pour le bien du service du gouvernement, public ou autre, j'ai été celui qui ai donné le plus.

Lorsqu'on

Lorsqu'on a logé les troupes, j'ai logé cent fois plus qu'un autre. J'ai fourni chandelles, bois, et autres objets avec les ustensiles de ménage, sans en rien retirer.

L'on est venu m'assaillir chez moi. J'ai paru sur la porte; l'on a fait feu sur moi : l'on a cassé mes vitres de toutes les façons; brisé ma galerie; forcé mes portes, mes fenêtres, et mes contrevents, quoiqu'en fer. Tout cela a passé sous silence.

J'ai enfin été mal-traité au dernier point par les Juges même.

Tout cela n'est rien : quoique tous ces faits, que j'avance, soient clairement connus presque de tout le monde en général. Pour récompense de mes bienfaits, je suis réduit présentement dans une prison, très malade, comme le plus grand criminel du monde, sans l'avoir mérité, et sans en sçavoir la raison ni la cause.

Le Général Arnold et les autres ont fait prendre chez moi de force, en 1776, en partant de Montréal, pour une somme de plus de mille guinées (ce qu'il m'est aisé de justifier;) sans en avoir reçu un coppre de qui que ce soit. Voilà comme j'ai été arrangé.

Je n'ai rien refusé pour le service du Roi : tout ce que l'on m'a demandé, je l'ai donné.

Q

Qu'a

Qu'a-t-on donc à m'imputer ? Rien. Je n'ai rien fait de contraire. Qu'a-t-on donc à alléguer, pour m'opprimer ainsi qu'on le fait ? ---- Craint-on que je n'aye des mauvais desseins, et me soupçonne-t-on de vouloir faire du mal ? On se trompe à tous égards. ---- Croit-on que j'aye envie de quitter la province ? Cette idée est fausse : j'y ai tous mes biens, et je n'ai rien ailleurs : Partout (excepté la prison,) Je ne puis qu'être plus mal. Non ; personne n'en donne : mais Monsieur le Général Haldimand et Monsieur Cramahé m'en font perdre bien d'avantage, sans le mériter ; pour satisfaire à leurs plaisirs. Enfin je conclus par les principes d'honneur, de religion, d'humanité, et de charité, qui doivent nous inspirer ; ---- par le respect et la justice que l'on se doit à soi-même ; ---- par cet axiome si reconnu, " de rendre à César ce qui appartient à César, et à son prochain ce qui lui est dû ; " — D'après ces principes je dirai par représentation à Monsieur le Général Haldimand et à Monsieur Cramahé, que, s'ils n'ont pas projeté et juré ma destruction entière et celle de ma famille, ils auront égard à la représentation que je vais leur faire, et ils ne me feront pas souffrir plus long-temps dans ma prison, — l'une des plus dures prisons, où je suis malade.

Premier point. L'on me soupçonne d'avoir de mauvais desseins. — Second point. L'on craint peut-être que je ne vienne à vendre mes biens,
et

et qu' ensuite je ne quitte la province. — Troisième point. Sur ces soupçons l'on me tient emprisonné ; l'on me fait périr d'un côté ; et de l'autre l'on fait périr ma famille et mes biens sans y apporter aucun remède. — Réponse au premier point. Quoique ces soupçons soient sans fondement et qu'ils soient faux ; pour prouver que je n'ai aucun mauvais dessein, et en témoignage de ma parole, je suis prêt de faire ma soumission au Gouvernement ainsi qu'il le jugera à propos et nécessaire pour le bien du service du Roi. — Réponse au second point. Puisque l'on craint que je ne vienne à vendre mes biens, et que je ne parte de la province sans permission ou furtivement, j'offre que le Gouvernement choisisse telle personne qu'il voudra à son soubait, laquelle régira à vos ordres mes biens meubles et immeubles en général et quelconques : je suis prêt de signer telle obligation, ou engagement, que vous jugerez à propos à ce sujet, ainsi que pour ne pas m'absenter de la province sans une permission de votre part. — Réponse au troisième point. Sur de simples soupçons l'on me fait périr, moi, en prison, (où je suis très malade) ainsi que ma famille et mes biens entre les mains de mes domestiques. Il seroit plus honorable et plus charitable pour Monsieur le Général Haldimand et pour Monsieur Cramabé d'éviter cette destruction que de la permettre, en prenant toutes les mesures justes et raisonnables que l'humanité exige dans un temps aussi

funeste et aussi critique que celui où nous vivons maintenant par malheur, et malheureux pour moi en particulier de toutes les façons.

J'espère que votre Excellence et Monsieur de Cramahé vous voudrez bien, par un effet de votre bonté et de votre clémence, considérer le triste état où je suis réduit, très malade : et, quoique j'ai été mal-traité au point où je ne devois jamais m'attendre de l'être, ma discrétion sera des plus grandes sur tous les points ; en sentant la conséquence autant que personne. C'est de quoi j'ai l'honneur de vous assurer si vous permettez mon élargissement ; lequel j'espère de votre justice et de votre humanité.

En attendant, j'ai l'honneur d'être, avec un très profond respect,

Monseigneur,

Votre très humble

et très obéissant serviteur,

Pierre Du Calvet.

It is unnecessary to make any reflections on this letter, which is so moderate an expostulation with General Haldimand on the unjust and cruel treatment Mr. Du Calvet received from him, that it will probably be generally approved of in this country, where the caprice and jealousy of arbitrary government and military tyranny are unknown. Yet the following remarks upon it (which were made by Mr. Du Calvet himself after the recovery of his liberty in May, 1783,) are so very just and natural, and expressed in so lively and forcible a manner, that, I presume, most of the readers of this narrative will be glad to peruse them.

Voilà donc cette lettre si offensante, qui a pu faire suspendre de deux ans et demi un élargissement déjà accordé et si bien mérité. On conviendra cependant qu'elle ne renferme aucune expression qui ne soit bien permise à un homme accablé de ses maux, et qui sent qu'il ne les mérite pas. Que l'on juge du motif de l'emprisonnement par celui de la retractation ! Oui : il est bien vrai que ce sont de simples soupçons, et des querelles sur les mots, qui ont pu faire languir un bonnête citoyen pendant trois ans dans la plus étroite captivité. Il falloit donc que mes bourreaux m'exténuaissent au point de ne pouvoir tenir la plume. Et peu s'en est fallu : car je puis bien dire que cette lettre fut chez moi un dernier effort
du

du sentiment, qui s'éteignoit. Mais non : La manie des tyrans a toujours été de ne vouloir pas que l'on se plaignît. Qu'ils égorgent donc des animaux, et ils n'entendront pas des plaintes !

There are two particulars relating to General Haldimand's intended enlargement of Mr. Du Calvet from his imprisonment, before he changed his mind in consequence of the foregoing letter, which are worth relating. The first is, the surprize which the French, or Canadian, gentlemen who were present at General Haldimand's Lévee on the 6th of December, 1780, expressed when they heard the General consent to Mr. Du Calvet's being set at liberty upon Mr. L'Evesque's becoming bound for him, and declare that he had hitherto been confined only upon general suspicions, for which they had not yet discovered any ground. They trembled at the discovery, that, under an English government, they were liable to be so treated upon mere suspicion, and said to one another in whispers, "*Gare les soupçons : Car tu serois bien vite dans le cas de Monsieur Du Calvet,*" that is, "I see it is a dreadful thing, in the present state of things, to be even suspected of being an enemy to government. For, if we are so, the best of us, though ever so innocent, may instantly be brought into the same condition as Mr. Du Calvet." For till this
time

time they had given the government so much credit as to suppose that they had proceeded upon some proofs, or informations, that had at least an appearance of truth, in their treatment of Mr. Du Calvet.

The other particular is, that, when Mr. L'Evesque went with Captain Le Maître, the Governour's Aide de Camp, to Mr. Cramahé, the Lieutenant-Governour, with the Governour's order to him to set Mr. Du Calvet at liberty upon Mr. L'Evesque's becoming bound for him, Mr. Cramahé expressed great satisfaction at it, and said to Mr. L'Evesque, *En vérité je suis bien aise. Car il étoit bonteux de tenir un homme comme cela en prison sans sçavoir pourquoi*; that is, "Well, I am
 " glad to hear it: for it was really a shame to
 " keep a man of Mr. Du Calvet's character
 " in prison without knowing for what."

On the 13th of December, 1780, General Haldimand ordered Mr. Du Calvet to be removed from the military prison to the convent of Recollet monks at Quebeck. This is a very large building, containing a great number of rooms, which are not used or wanted by the monks that inhabit it, whose number is reduced to only two, besides the Superior of the convent, who is called the *Father Commissary*, and four lay-brothers, who are the servants of the Monks. It would therefore

fore have been easy for General Haldimand to have caused Mr Du Calvet to be accommodated in this place with a convenient and wholesome apartment, in which he might have hoped in some degree to recover his health; but this seemed to be far from the Governour's intention. For the Father Commissary, whose name was *Berré*, and under whose power and management Mr. Du Calvet was placed, put him into the room which served the monks and lay-brothers as an infirmary, or sick-room, where those of them that took physick came to use their close-stools; and this, as he declared, by the order of General Haldimand. In this room there were three beds, in one of which Mr. Du Calvet lay; and the other two were used by such of the monks, or lay-brothers, as were sick; of whom there was almost always one or other in that condition, and very frequently two at the same time. And the stench of the room was so offensive that Mr. Du Calvet thought himself in rather a worse condition than he had been in before in the military prison above-mentioned, nasty and unwholesome as it was.

In this unhappy situation, and being at the same time almost worn out with sickness, he wrote on the following day, the 14th of December, 1780, the following letter to Mr. Cramahé, the Lieutenant-Governour.

Aux

Aux Recollets,

*Jeudi Matin, 14 Decembre,
1780.*

Monfieur,

Permettez que je vous informe que je suis très malade, et que je me recommande à vôtre charité, et que je vous supplie de parler pour moi à son Excellence : Car je me vois périr sans ressource, si vous n'avez pas pitié de moi. J'ai pris la liberté de lui écrire avant hier la lettre que je joins ici ; laquelle il n'a pas voulu recevoir. Je vois par là qu'il est très indisposé contre moi. Je n'avois pas besoin de cela : J'avois assez de mal, sans qu'il m'en survienne d'avantage par le maltraitement : car je me vois périr. — Permettez que je vous prie de l'appaiser, et de lui faire agréer mes excuses, si j'ai manqué à quelque chose qui puisse l'avoir irrité. — Je suis au desespoir. — Monsieur Prenties m'a transféré hier matin ici ; où je suis très malade. Je n'ai pas eu seulement de l'eau depuis que j'y suis. Le froid m'a fait sortir du lit, et avec grande peine j'ai pu faire du feu. Je suis abandonné et hors d'état, par moi-même, de rien faire pour pouvoir me secourir, étant dans un accablement et dans une foiblesse des plus

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grandes,

grandes. J'espère que son Excellence et vous, vous voudrez bien avoir égard à ma triste situation.

J'ai l'honneur d'être, avec un profond respect,

Monseigneur,

Votre très humble,

et très obéissant serviteur,

Pierre Du Calvet.

To this letter Mr. Cramahé sent him the following answer.

A Monsieur Pierre Du Calvet, aux Recollets.

Jeudi, 14 Decembre, 1780.

Je fais mes compliments à Monsieur Du Calvet, et parlerai à Monsieur le Général demain matin à son sujet. Son Excellence a été indisposé à son égard au sujet d'une lettre qu'il lui a écrite d'un style très indécent et qui ne convenoit point du tout. Je vous en ai averti plusieurs fois; et vous y êtes toujours revenu.

H. T. Cramabé.

The letter of Mr. Du Calvet alluded to in the foregoing note of Mr. Cramahé, and which, he says, has indisposed General Haldimand against him, is the letter of the 6th of December, 1780, which has been set forth above.

Two days after, to wit, on the 16th of December, 1780, Mr. Cramahé wrote Mr. Du Calvet another letter, to inform him that he had represented his unhappy state to General Haldimand, and that the General had said he would give orders that Mr. Du Calvet should be treated in a better manner, which would be to Mr. Du Calvet's satisfaction. But no such orders were ever given, and Mr. Du Calvet continued to be treated with the same neglect and cruelty as at first during the whole remainder of his imprisonment in that convent of Recollet-monks under the power of the aforesaid Commissary, father *Berré*.

In this situation he received no allowance of food whatsoever from either the Government, or the Recollet-monks, but might, literally, have been starved to death, if he had not had wherewithall to purchase some nourishment himself by the favour and assistance of the soldier who mounted guard upon him. This he did under circumstances of great inconvenience, the soldier being often drunk and over-turning the victuals he was bringing to him,

him, and sometimes stopping at an ale-house with the victuals in his hand, and letting people eat up part of them while he was drinking and talking with his companions, so that only a small part of them came to Mr. Du Calvet.

Under these circumstances he desired the Recollet-monks to let him have a bason of broth every day from their table, that being a constant dish with them; and he offered to pay a Spanish dollar, or 4s. and 6d. sterling, for every such bason. But they refused to let him have it, telling him they had express orders from the Governour not to give him any refreshment whatsoever. And father Berré, their Commissary or Superiour, (who from his brutality and hardness of heart, was excellently calculated to give General Haldimand complete satisfaction in this employment of Mr. Du Calvet's jailer,) used often to forbid the other monks to give Mr. Du Calvet the least refreshment, comfort, or assistance of any kind whatsoever, under pain of being themselves put under confinement by his authority; declaring at the same time that such were the orders of General Haldimand, and that he was determined to obey them.

In this forlorn condition Mr. Du Calvet continued for almost the whole time of his imprisonment. Neither General Haldimand,
nor

nor Mr. Cramahé, nor the town-major, nor any other officer on behalf of the Government, ever came to see him in his confinement, or to enquire into the state of his health, or the treatment he met with, and the manner of his accommodation; though it is, in most places, an established custom for the superiour officers of Government, (under whose authority prisoners are kept in confinement,) either to visit the prisons themselves in person and make these inquiries, or to cause them to be made by respectable officers in whom they place a confidence.

General Carleton, while Governour of the province of Quebec in the first part of the late unhappy war, in the years 1776 and 1777, when there were numbers of American prisoners of war in various prisons of the province, never failed to visit the prisons at the town of Quebec, or where-ever else he happened to reside, in which any such prisoners were confined, once a week, to see their condition, and know from their own mouths how they were treated. And General Haldimand, his successor in the government of the province, though he did not, like General Carleton (whose humanity is generally acknowledged,) visit the prisoners in his own person, yet he caused them to be regularly visited by the town-major of Quebec, or the barrack-master, or some other officer that he could trust.

But he never did so to Mr. Du Calvet. On the contrary, he gave orders that none of his friends should be permitted to visit him : and it was always with great difficulty that Mr. L' Evesque, (though a person of eminence in the province, and a member of the legislative council,) could be permitted, now and then, to have access to him ; and, when he did see him, he could not bear to stay with him above five, or six minutes, on account of the extreme stench of the chamber in which Mr. Du Calvet was confined, arising from the cause above-mentioned.

On the Sunday after Mr. Du Calvet had sent the letter above-mentioned, of the 6th of December, 1780, to General Haldimand, (in consequence of which the General revoked his order for setting him at liberty,) General Haldimand said publicly to Mr. L' Evesque at his Levée, "that Mr. Du Calvet had sent
 " him a letter that had given him great offence ;
 " but that he would teach him what it was to
 " write to him in such a style, and would make
 " him alter his note." Mr. L' Evesque replied,
 " that he had seen the letter, and did not think
 " it could have offended his Excellency so
 " much, but that it might have been ex-
 " cused from a man whose health was almost
 " destroyed by the hardships he had suffered
 " in his imprisonment, and whose fortune
 " was daily going to ruin for want of his pre-
 " sence

“ fence and attention.” And Mr. Peter Panet, (a French or Canadian lawyer, who formerly practised the law at Montreal, but of late years has been one of the Judges of the Court of Common-Pleas at Quebeck ;) joined with Mr. L’Evesque in making the same remark. Upon which General Haldimand said with warmth, “ that he did not want advice upon this subject from any body, and that he was himself the only person who had a right to judge about it, and would do as he thought proper.” So plainly did it appear from General Haldimand’s own declarations that the aforesaid letter of the 6th of December, 1780, was the cause of his continuing the imprisonment of Mr. Du Calvet from that time to the time of his enlargement in May, 1783.

But to return to Mr. Du Calvet’s forlorn and unhappy condition in the nasty sick-room at the Recollet convent, in which he was so maliciously confined ; it is proper to add that the misery of it was very much heightened in the year 1782, by the father commissary’s ordering two mad-men, (who were successively sent to that convent to be confined and taken care of,) to be put into the chamber over Mr. Du Calvet’s head. This was certainly done on purpose to torment Mr. Du Calvet, and wear out, if possible, the small remains of health and strength he still retained.

For

For there were at that very time a dozen chambers in the convent that were empty, any one of which might have been allotted to the unhappy lunatick, and a second, at a distance from the former, might have been assigned to Mr. Du Calvet, without the smallest inconvenience to any one. But this would not have been a sufficient punishment to Mr. Du Calvet, for having presumed, in the above-mentioned letter of December the 6th, 1780, to complain of the hard treatment he had received.

The two mad-men were therefore placed, successively, over his head; when, the floor of the room being ill put together and full of large gaps between the planks, their urine and other filth penetrated through it and came in large streams into Mr. Du Calvet's prison-room, and increased the nastiness and stench of it, which was before almost intolerable. And their dismal cries and shrieks, and the noise they made in moving about continually from one part of the room to another, were so plainly heard in Mr. Du Calvet's chamber, that it made it almost impossible for him to get any sleep either by night or by day, and thereby increased to a terrible degree the sickness under which he had long laboured. Can such treatment be properly called by any other name than that of *downright persecution*?

These

These two mad-men were kept in the room over Mr. Du Calvet's head from the beginning of April to the end of August in the year 1782. About the middle of this period, to wit, on the 10th of June, 1782, the following conversation passed between Monsieur Du Chesnay and Monsieur Baby, two French, or Canadian, gentlemen, of whom the latter is a member of the Legislative council of the province.

Monsieur Du Chesnay, being at dinner at Monsieur Baby's house, said, "he did not doubt but that Mr. Livius, the Chief Justice of the province, would, when he returned into it, inquire into the causes of the several imprisonments that had taken place in the province, and set such of the prisoners at liberty as he should find to be innocent." To which Monsieur Baby said, "That he believed Mr. Livius would not do so: for that the Legislative Council would not let him enter into such an inquiry, notwithstanding it did seem to be a part of the duty of his office." Upon this Mr. Du Chesnay said, "What then does the Government intend to do with the prisoners, and particularly with Mr. Du Calvet, who has been kept so long a prisoner only upon suspicion, and without letting him know the cause of his imprisonment, while both his health and his property are going to

S

"rain?"

“ ruin?—It seems to me that the Chief Jus-
 “ tice, upon his arrival in the province, can-
 “ not avoid listening to his complaints, and
 “ bringing him to a trial for the offence which
 “ may be charged upon him, if he insists upon
 “ it, as he hitherto has done repeatedly. For
 “ it is very hard upon him not to be allowed
 “ to justify himself by a trial, notwithstanding
 “ he has so often desired it. We are, all
 “ of us, interested to have an end put to this
 “ sort of imprisonments. For while they are
 “ allowed, no man’s liberty is safe.”

Mr. Baby said upon this, “ That the Go-
 “ vernment could not bring him to a trial,
 “ because they had only suspicions against
 “ him without any proofs:—That, if they
 “ should find any proofs against him, they
 “ would bring him to a trial; but otherwise
 “ not: for that, if they did bring him to a
 “ trial without having proofs against him, he
 “ would be acquitted, and then must be let
 “ out of prison, which was what the Govern-
 “ ment was resolved not to allow. How
 “ many innocent persons, added he, have we
 “ not known to have been kept in prison
 “ 20 and 30 years together without being
 “ brought to their trials, and at last die there?
 “ Mr. Du Calvet will only add one to the
 “ number, and is no more to be pitied than
 “ they have been.” Such was the opinion of
 this member of the Legislative Council of the
 province.

province. But it did not satisfy Monsieur Du Chesnay of the Justice of these arbitrary imprisonments upon pretended suspicions, or of the advantage that the province derived from them.

The foregoing conversation between Monsieur Du Chesnay and Monsieur Baby was related to Mr. Du Calvet immediately after it had passed, by Monsieur Du Chesnay himself, who came to him at the Recollet's convent for the purpose, and was introduced to him by the favour of father *Isidore*, one of the monks of the Convent, who was Mr. Du Chesnay's confessor, and who took the opportunity of the cruel father Berré's being out of the way, to gratify Mr. Du Chesnay's inclination. And it has often been confirmed to Mr. Du Calvet by Monsieur Du Chesnay since that time, both during the remaining time of his imprisonment, and since his enlargement.

About the time of the foregoing conversation that is, in June, 1782, Mr. Du Calvet received an anonymous letter (of which he does not know the author,) by the hands of a soldier who was permitted by the centinel that mounted guard upon him, to deliver it to him. It is not written in the clearest and most correct language. But it seems to contain a true and lively representation of the sentiments which the Canadians, or French inhabitants,

bitants, of the province entertained concerning the power that was at that time assumed by the Governour of the province of arbitrarily imprisoning people by military authority upon mere suspicions, and without bringing them to a trial ; and in this view it seems worthy of the reader's attention. It was as follows.

A Monsieur Du Calvet.

Juin 30, 1782.

Avec peine je vous informe, que, par un trait de politique le plus tyrannique, on a empêché Monsieur Livius de venir en Canada. Il est certain, que le parti de l'inquisition, qui s'est élevé ici, a écrit à Londres tout ce que la calomnie peut inventer pour se maintenir en autorité jusqu' à la fin de ces desordres ; pour désoler ceux qu'ils ont en aversion, pour assouvir un intérêt sordide par une indigne iniquité qu'il exerce. Quelques Conseillers ne se cachent point de dire hautement que, si Monsieur Livius étoit venu, le Conseil l'auroit fait repartir dans le même bâtiment : Même le Gouverneur a eu l'imprudence de le dire à table. Ils se voyoient soutenus ; c'est assez en dire, pour les autoriser à tout faire, à tout oser, et à tout entreprendre. L'on dit que le Gouverneur a reçu des instructions du secrétaire d'état pour élargir les prison-
niers

niers sur lesquels il n'y auroit aucun fait : il n'y a nul doute de croire qu'il n'en fera rien, et qu'il n'en fera sortir aucun. La raison en est toute simple : puisque la cupidité s'en est mêlée jusqu'à présent, il s'y soutiendra dedans tant qu'il pourra, pour faire le contraire à ce qui est dû au droit des gens, afin de s'y soustraire. Il paroît qu'il est approuvé : du moins, il le dit : ce qui est en vérité révoltant pour les gens de bien, honteux et deshonorable pour le Gouvernement, de souffrir l'injustice et la cruauté qui se fait ici. Il faut absolument qu'on ait surpris la religion des nouveaux secrétaires d'état, puisqu'ils suivent, pour ce qui concerne et regarde cette province, le même système que leurs prédécesseurs pour sa destruction entière. Car ils tombent dans les mêmes pièges.

Je suis mortifié que Monsieur Livius ne soit point venu. Car il n'y a nul doute à croire que sa justice auroit délivré les prisonniers, et mis tout le civil en tranquillité ; la majeure partie détenue par suspicions mal-fondées, ou par des idées arbitraires et idéales et despotiques, fomentées ou, dis-je, enfantées par la jalousie, pour ravir et ruiner la santé et la fortune de ceux qu'on hait d'une invincible inimitié.

L'on n'ignore pas que l'on a fait tout ce que l'on a pu, par or, argent, et menaces,
pour

pour tâcher d'avoir de mauvais témoignages contre les prisonniers ; particulièrement contre vous : ce qui est un exemple des plus frappants aux yeux de tous les individus de cette province. Aussi ne vous déconfortez pas ; prenez courage et beaucoup de patience. C'est à quoi je vous exhorte : car ils ne demandent pas mieux que vôtre perte. Il faut espérer que quelque bonne ame de Londres fera reluire le flambeau, qui réfléchira ses rayons de clarté sur les personnes en place, pour restaurer les principes de justice et d'humanité, qui ressent dans le néant ici. Dieu veuille ramener les moments précieux de ces heureux jours de félicité pour nous tous, pauvres habitants de cette province, abandonnés à la fureur de l'irréligion, et de toute la corruption humaine.

It appears by this letter that the Governour's party in Canada were generally understood to have taken a great deal of pains to procure evidence of some misconduct in Mr. Du Calvet, that might give a colour, at least, to the severity with which they treated him.

Mr. Du Calvet doubts not but that many instances of this wicked diligence in seeking his ruin might be produced : but one of them has come more distinctly within his knowledge than the others. This was the endeavours used by some officers of the army to prevail upon

upon one Joseph Du Fort, a young Canadian, that lived at Montreal, and had been engaged in trade there, to give some information against Mr. Du Calvet. This young man was the son of a Joiner at Montreal, of good character, and much employed in his business. But the son, being of a weakly constitution and incapable of much bodily labour, had not followed his father's business, but engaged in trade as a shop-keeper at Montreal, having procured upon credit, a moderate stock of goods from an English merchant of that town. In this undertaking he was not successful, and did not get money enough to pay the English merchant for his goods at the time appointed; and, in consequence of this failure, the English merchant sued him for the money in the Court of Common-Pleas at Montreal, and obtained a Judgment against him. This was in the spring of the year 1780.

The young man, finding that he was likely to be thrown into prison by his creditor, absconded from his house, and hid himself for three or four months in different places in the province, in order to avoid being arrested. At last, in the month of August, 1780, finding that he could not prevail on his creditor to suspend the execution of the Judgment he had obtained against him, he determined to leave the province, and take refuge in some of the neighbouring provinces. But in endeavouring

ing to execute this resolution he was stopped, and made prisoner on the 15th of August, by some of the soldiers in the out-skirts of the province, upon a suspicion that he might be carrying intelligence to the Americans in the revolted provinces from some of their friends in Canada. The soldiers who had stopped him conducted him, first, to a place called *Le Côteau des bêtres*, and then to *St John's* near the entrance of Lake Champlain.

When he arrived at the latter place, he was examined, on the 29th of August, 1780, by three English officers of the 29th regiment of foot, Captain Mansel, Captain Dixon, and Lieutenant Kraeman. The last gentleman, in particular, told him, "that he must give an account of the reasons that had induced him to endeavour to leave the province, and asked him whether he had not been solicited by some person to do so." The young man replied, "that no one had solicited him to do so; but that the bad state of his private affairs was the true and only reason for his wishing to get out of the province, and not any design that related in the smallest degree to the affairs of the Government, or the quarrel with the neighbouring provinces." Lieutenant Kraeman then asked him, "whether Mr. Du Calvet had not given him some letters to carry over to the Americans?" The young man said, "he had not,

“ not, and that Mr. Du Calvet had not any “ knowledge of his intention to leave the “ province.” The officers, however, continued to entertain some suspicions of his intentions ; for they still kept him in confinement, and removed him on the same day, August the 20th, to a place called *La Pointe au fer*, near *Isle aux Noix*, or *Nut-Island*, in Lake Champlain, and put him on board an armed vessel belonging to his Majesty, called *the Maria*, where he continued till the 2d of the following month of October.

Two remarks seem naturally to arise from Lieutenant Kracman’s aforesaid examination of this young man ; namely, in the first place, that the Officers of Government either had, or pretended to have, some suspicions of Mr. Du Calvet’s corresponding with the Americans, and were seeking for evidence to confirm it ; and, secondly, that they thought the examination of this young man did *not* afford them any such evidence. For, if he had said any thing that could in the slightest degree have affected Mr. Du Calvet, it is next to certain that, in the disposition they then were in respecting him, they would have caused him to be arrested soon after this examination of young *Du Fort*; which was on the 20th of August : whereas Mr. Du Calvet was not arrested till near six weeks after, to wit, on the 27th of September, 1780.

T

But;

But, though this young man had said nothing in his first examination before Lieutenant Krackman, that could affect Mr. Du Calvet, the officers of government did not cease their endeavours to get something of that kind out of him, that might seem to justify their treatment of Mr. Du Calvet, after they had arrested him upon mere suspicion. For when Major Carleton went into this part of the province in his way to Fort George, on the expedition carried on there in the Autumn, 1780, he went on board the aforesaid ship of war called *the Maria*, on the 2d of October, and questioned this young man concerning his reasons for attempting to leave the province, and, upon his answering, as he had done at first, "that it was only to be out of the reach of his creditors," the Major told him, "that Mr. Du Calvet had been taken up at Montreal as a traitor, together with Mr. Pellion and Mr. Hamel; and that they had been, all three, hanged, but first had given evidence against him, Joseph Du Fort;" and thereupon pressed him to tell what he knew of their proceedings. The young man made answer, "that, whether they were hanged or not, he had nothing to tell concerning them." Upon which the Major, finding that his first method of surprising the young man, by telling him that those three persons had been hanged, did not produce any discovery from him concerning them,

them, varied his account of them, and said, "That they had not, indeed, yet been hanged, " but were upon the point of being so;" and therefore advised him, "to tell what he knew " against them; for that it was better to ruin " his friends and accomplices than to be " ruined himself;" and added, "That, if he " did not tell the truth, he had orders to hang " him." To all which the young man replied with constancy, "that he had nothing to " reveal against any of them, nor against Mr. " Du Calvet in particular." After undergoing this examination by Major Carleton, this young man was, on the same day, the 2d of October, 1780, removed from on board the *Maria* ship of war to fort St. John, where he arrived on the 4th of the same month of October.

In the following month of November, 1780, he was examined a third time. His examiners on this occasion were Major Carleton (who had examined him on the 2d of October,) and Captain *Le Maitre*, General Haldimand's Aide de Camp, who has been already mentioned in this narrative. They made him the same questions as had been put to him before, concerning his reasons for attempting to quit the province; and they told him at the same time "that he had been " guilty of high treason." He replied, as before, "that his only motive for endeavouring

“vouring to leave the province was to get out
 “of the reach of his creditors.” They then
 shewed him some pieces of paper folded up in
 the shape of letters, and asked him, if he knew
 them. To which he said, “he did not.”
 Upon which they said, “that they were let-
 “ters written by Mr. Du Calvet, and which
 “he had been endeavouring to send to the
 “Americans.” They then shewed him some
 parts of the letters, and particularly the names
 subscribed to them, and asked him if he knew
 the hand-writing. To which he answered,
 “that he did not.” And this young man has
 since declared that he has sometimes had occa-
 sion to see Mr. Du Calvet’s hand-writing; but
 that he could not observe the least resemblance
 to it in the hand-writing of the letters which
 those two officers then shewed him.

This was the substance of a written decla-
 ration which this young man, *Joseph Dufort*,
 voluntarily made at Montreal on the 22d of
 last August, 1783, after being released from
 an imprisonment of almost three years
 upon the aforesaid suspicion of his being
 engaged in treasonable designs against the
 Government, arising only from his aforesaid
 attempt to get out of the province. It was
 not made before a Justice, or Commissary, of
 the peace; because in the present state of en-
 slavement of the whole province to the sole
 and absolute will and pleasure of the Gover-
 nour, no such Magistrate, it was supposed,
 would

would dare to take it. But it is witnessed by *Lewis Jussome*, a young man of good condition and character in the district of Montreal, whose sister *Mr. Du Calvet* had married, and by another man named *James Picard*, and is in the words following.

District de Montréal,

le 22 d'Aoust, 1783.

Est comparu pardevant nous *Joseph Dufort*, fils, de cette ville : lequel, après avoir prêté serment sur les saints évangiles de dire vérité, a déclaré ce qui suit.

Qu'ayant été arrêté le 15 Aoust, 1780, et conduit au coteau des bêtres, il fut amené à Saint Jean de l'autre côté de la rivière. Là étant, le Capitaine *Mansell*, du 29^{ème} régiment, accompagné du Capitaine *Dixon* et du Lieutenant *Kracmen* du même régiment, vinrent le trouver. Et ce dernier dit au déposant de dire "ce qui pouvoit l'avoir obligé de s'en aller, et s'il n'avoit pas été sollicité par quelqu'un." Le déposant lui répondit, "que non ; qu'il n'y avoit que les affaires relatives à son commerce qui lui avoient fait prendre le parti de passer chez les Amérigains, et non autre chose qui pût concerner l'état en aucune manière." Le même Lieutenant *Kracmen* dit au dit déposant,

sant, " Si Monsieur du Calvet ne lui avoit pas donné des lettres pour l'Amérique." Il répondit, " Que non ; et qu'il pouvoit assurer " que Monsieur du Calvet n'avoit aucune " connoissance de son départ," Le même jour, 20 Aoust, il fut amené à la pointe au fer à bord du bâtiment La Maria, où il a resté jusqu' au 2^{me} Octobre suivant. Le Major Carleton. (qui montoit alors pour l'expédition du Fort George,) vint abord du dit bâtiment, et, interrogeant le dit déposant, il lui demanda " les raisons pour lesquelles il étoit parti." Il répondit (comme il avoit fait cy-devant,) " qu'il n'étoit parti qu'en raison de ses " affaires." Et le dit Major Carleton lui apprit " la détention du dit Pierre du Calvet, " et qu'il avoit été pendu à Montréal avec " Pellion et Hamel; et que les mêmes prisonniers avoient déposé contre lui ; et de " déclarer tout ce qu'il sçavoit sur leur " compte." A quoi le déposant lui répondit, " Que, s'ils étoient pendus, il n'avoit rien à " dire contre eux." Pour lors le Major Carleton lui dit, " Ils ne sont point pendus, " mais ils sont à la veille de l'être : Dites " ce que vous sçavez contre eux : il vaut " mieux perdre ses amis que se perdre soi-même : et que, s'il ne déclaroit pas la " vérité, qu'il avoit les ordres pour le pendre." Le déposant répondit, " Qu'il n'avoit " rien à dire contre ses amis, ni contre Monsieur Du Calvet en particulier." Le même jour

jour aussi, 2^{me} Octobre, 1780, le dit déposant fut ramené au Fort St. Jean, où il arriva le 4^{me}. Vers le mois de Novembre suivant le Capitaine Le Maitre et le Major Carleton l'interrogèrent sur le même sujet, et lui dirent "Qu'il étoit criminel de Lèze-majesté, et de dire les raisons qui l'avoient obligé de partir de Montréal pour aller dans l'Amérique." A quoi il avoit répondu, "Qu'il n'y avoit que ses propres affaires qui l'amenoient là." Ils lui montrèrent des papiers pliés en forme de lettres, et lui dirent, "S'il avoit connoissance de cela." Il répondit, "Que non." Et ces Messieurs ajoutèrent, "Que c'étoit des lettres qui venoient de Monsieur Du Calvet, qu'il envoyoit dans l'Amérique." On lui demanda, "S'il reconnoissoit l'écriture et signature." A quoi il répondit, "Que non."

Déclare en outre le dit déposant, qu'ayant quelque petite connoissance de l'écriture et signature de Monsieur Pierre Du Calvet, il n'a rien vu dans ce qu'on lui a montré, qui en approche. Et c'est tout ce qu'a dit le déposant.

Signé, Joseph Dufort.

Pour témoins,

Jacques Picard,
Louis Jussame.

It appears from the foregoing déposition, that, after Mr. Du Calvet had been arrested by the verbal order of Brigadier General Mac Leane on the 27th of September, 1780; and had been sent prisoner on board the *Canceaux*, lying at Quebeck, on the 29th of the same month, by an order of General Haldimand, signed only by his secretary, Captain Matthews; and his pocket book, with the papers in it, had been taken from him by Captain Laws; and his house at Montreal had been searched, his bureaux broke open, and the papers in them seized and examined by Brigadier General Mac Leane himself and Major Dunbar, (Mr. Fraser's brother in law,) in the last days of September; and his house, barns and stables, at the river David had been searched in the beginning of October, by Captain Le Maitre (General Haldimand's Aide de Camp,) in company with Mr. Gray, the Sheriff of Montreal, to find the stores of corn and cattle which he was reported by his enemies to have collected there for the use of the Americans;—and nothing had been found in all these various searches to give the least colour to the suspicions that had been entertained by the Government of Mr. Du Calvet's corresponding with, or assisting, the revolted Americans;---I say, it appears from the foregoing deposition, that, after all these diligent, but ineffectual, endeavours to find out evidence against Mr. Du Calvet, Captain Le Maitre,

Maitre; General Haldimand's Aide de Camp; and Major Carleton, in the month of November, 1780, still used their utmost endeavours to procure such evidence from this young man, Joseph Dufort, by shewing him written papers folded up in the shape of letters, which they declared to have been written by Mr. Du Calvet, and asking him whether he did not know the hand-writing of them; and telling him at the same time, in order to frighten him, that he himself had been guilty of high treason. Such was the diligence with which Mr. Du Calvet's enemies pursued his ruin. But, as he was intirely innocent of the whole charge, having never had the smallest correspondence with the revolted Americans, these endeavours all proved vain; and General Haldimand, on the 6th of December, 1780, acknowledged that he was convinced that all the suspicions that had been entertained against him had been groundless; and thereupon consented that he should be set at liberty: though afterwards, from mere pride and tyranny, he revoked the order for his enlargement, and kept him in prison, with all the circumstances of hardship and cruelty above-related, from December the 6th, 1780, to May the 2d, 1783, in resentment of the expostulatory letter which he received just at that time from Mr. Du Calvet, and which has been already mentioned, and stated at full length;

for the reader's consideration, in the foregoing part of this narrative.

While Mr. Du Calvet's enemies were thus active in depriving him of his liberty, and from the hardships they made him undergo in his imprisonment, seemed likewise to intend that his life should fall a sacrifice to their resentment, they seemed equally determined to bring about the ruin of his fortune.

This will appear from the account which it will now be proper to give of a certain law-suit which Mr. Du Calvet had in the Court of Common Pleas at Montreal, with a Mr. John Lees, a merchant of Quebeck, who had been the correspondent of Mr. Francis Rybot, a merchant of London; which law-suit Mr. Du Calvet brought, by way of appeal, before the Court of the Governour and Council, and would have brought, had he been permitted so to do, before the King in his Privy Council in England. The occasion of this law-suit was as follows.

In the year 1766, Mr. Francis Rybot, of London, agreed with Mr. Du Calvet, to purchase goods for him in England, and send them to Quebeck according to his orders, and to charge them to Mr. Du Calvet at the same prices at which he had bought them of the
several

several manufacturers who had made them, and then to charge an additional sum of 5 per cent upon those prices, as a reward for his trouble and care. Mr. Rybot was likewise to do other mercantile business in England for Mr. Du Calvet, as his factor, upon terms agreed upon between them.

This connection being established between them, Mr. Du Calvet sent Mr. Rybot a parcel of Canada-paper of three different kinds, called *Billets d'ordonnance*, *Lettres de change*, and *Reconnoissances*, to the amount of 138,620 French livres, 15 sols, to be sold for his account, with a certain allowance to Mr. Rybot upon the price they should be sold for, as his commission. The price of the *billets d'ordonnance* at the publick market at this time, in the year 1766, was about 33 per cent. of their nominal value, and that of the *Lettres de change* was about 42 per cent. and that of the *Reconnoissances* was above 60 per cent.

Mr. Rybot had at this time a Mr. John Jenison for his partner and agent, who resided in Canada, and transacted his business in that province. By the means of this gentleman; (who scrupled to co-operate with his partner, Mr. Rybot, in imposing upon Mr. Du Calvet,) the latter came to discover that

Mr. Rybot had charged him for certain quantities of spirituous liquors which he had bought for him in England, and sent out to him to Quebeck, a greater price than he had paid for them, to wit, 18d. sterling per gallon, instead of 17d. over and above the commission of 5 per cent. that had been agreed on; and had likewise allowed him for the Canada-paper which he had sold for him little more than 20 per cent. of its nominal value, though the least valuable of the three sorts had been sold at market for more than 30 per cent. and the other two sorts at more than 40 per cent. and 60 per cent. All this appears clearly from Mr. Rybot's account with Mr. Du Calvet, and his letters to his aforesaid partner, Mr. Jenison, which Mr. Du Calvet has now in his possession.

Mr. Du Calvet, having made this discovery of Mr. Rybot's false charges in his account with him, refused to allow it and to pay the balance demanded by Mr. Rybot, but was willing to pay the balance that might be due to Mr. Rybot upon a fair account, if it should appear that any such balance was due to him, which Mr. Du Calvet did not believe to be the case. This occasioned a disagreement between Mr. Rybot and Mr. Du Calvet, which continued from the year 1768, when Mr. Du Calvet discovered this unfair proceeding

ceeding of Mr. Rybot, to the year 1773, without any effectual measures to explain the matter to their mutual satisfaction. But in August 1773, Mr. Fargues and Mr. John Lees, Junior, both merchants at Quebeck, and who had a power of attorney from Mr. Rybot to manage his concerns in Canada, agreed with Mr. Du Calvet to refer the examination of Mr. Rybot's account with him to four arbitrators. Accordingly those two gentlemen, who acted for Mr. Rybot, chose Mr. Thomas Dunn and Mr. Francis L' Eveſque, both of Quebeck, (and who have been already mentioned in the preceeding part of this narrative,) for the arbitrators on the behalf of Mr. Rybot; and Mr. Du Calvet chose Mr. John Du Mas, Saint Martin, of Montreal, and Mr. John Martehi, also of Montreal, for his arbitrators. And these gentlemen accepted the office, and began to execute it by examining Mr. Rybot's account, and enquiring into the truth of the several articles of it. The consequence was, that they saw plainly that several of the articles were unfair ones, and that, when they were properly altered, the balance of the account would be in favour of Mr. Du Calvet; though according to the demands of Mr. Rybot the balance was about three thousand pounds, sterling, in Mr. Rybot's favour. They did not, however, give any award upon the matter, because, when Mr. John Lees saw how
it

it was likely to turn out, he withdrew his papers from the hands of the arbitrators and broke up the arbitration, and the arbitrators did not chuse to proceed in the business when one of the parties was no longer willing to consent to it.

When Mr. Lees found that the examination of Rybot's account by the four arbitrators was not likely to turn out to Mr. Rybot's advantage, he changed his method of attack upon Mr. Du Calvet, and endeavoured to get a large sum of money from him upon another ground, which it will be proper in this place to explain.

In the years 1766 and 1767, Mr. Du Calvet had given to Mr. Rybot a number of bills of exchange and promissory notes, amounting, all together, to the sum of 644*l.* 1*s.* and 11*d.* sterling, over and above the Canada-paper above-mentioned, which he had put into his hands to be sold for him. The bills of Exchange, which were in their nature negotiable, amounted to about 2000*l.* sterling, of this sum. But the promissory notes were made payable only to Mr. Rybot, and not to his order, not having been intended by Mr. Du Calvet to be negotiated or put out of Mr. Rybot's hands. The form of them was as follows.

Au

Au trente-un du mois de Décembre prochain Je promets payer à Mr. François Rybot à Londres; six cents Livres, sterlings, valeur reçue en une facture de marchandises qu'il a chargées abord du commerce, Capitaine Thomas Johnson, à Londres, le 8ieme, April, 1767. Bon pour 600l. sterlings.

Pierre Du Calvet.

And Mr. Du Calvet's intention in giving these bills and notes was, that Mr. Rybot should send him a stock of goods fit for the market of Canada, to the amount of about 4000*l.* of them, and should return him the remainder of the notes when it should be convenient to him, using them in the meanwhile for the support of his credit.

But Mr. Rybot made a different use of these promissory notes from that which Mr. Du Calvet had intended. For he put seven of them, amounting together to the sum of 2718*l.* 10*s.* and 6*d.* sterling, into the hands of Messieurs Chauvet and Turquend, merchants of London, in partnership with each other. And those gentlemen sent out a power of attorney to the aforesaid Mr. John Lees at Quebeck, to sue Mr. Du Calvet for the said sum of 2718*l.* 10*s.* 6*d.* sterling, as due to them upon the said promissory notes, which they sent over to Mr. Lees at the same time. Mr. Lees accordingly in December, 1773,
made

made oath before the above-mentioned Mr. Mabane, (then and now one of the Judges of the Court of Common-Pleas at Quebec,) that Mr. Du Calvet was indebted to the said Lewis Chauvet and Peter Turquend, merchants of London, in the said sum of 2618*l.* 10*s.* and 6*d.* sterling, upon seven of the said promissory notes, drawn by the said Peter Du Calvet in favour of Francis Rybot, of London, merchant, and by him assigned over to the said Lewis Chauvet and Peter Turquend. And upon the ground of this oath of Mr. Lees, Mr. Du Calvet was arrested immediately after at Montreal in the same month of December, 1773.

He immediately made a journey to Quebec (though in the most severe season of the year, and with great inconvenience,) and put in bail to answer the action, which was a matter of the utmost surprise to him, as he had never had the least connection in trade with the said Chauvet and Turquend, and had not meant that those promissory notes should be negotiated, nor imagined that they could be negotiated, because they were made payable to Mr. Rybot only, and not to him *or his order*. But this defect had been attempted to be cured by some of the gentlemen in whose possession those notes had been, and, he supposes, by Mr. Rybot. For, when these notes were produced in Canada by Mr. Lees,

Lees, they were found to have the words, "*et à l'ordre,*" inserted in them between the lines.

This action continued in the court of Common-Pleas at Montreal till April, 1775, when Mr. Lees, fearing that he should not be able to succeed in it when the whole transaction came to be clearly laid open, desired leave to withdraw it before a judgment was given in it, and was permitted to do so upon an engagement to pay all the costs Mr. Du Calvet had been put to in it; which, however, he has never done.

In the year 1777 Mr. Lees brought another action against Mr. Du Calvet in the same Court of Common-Pleas at Montreal for the same sum of money, to wit, 2718*l.* 10*s.* and 6*d.* sterling, grounded upon the same promissory notes that were made the foundation of the former action. But he now appeared as the attorney, or representative, of Mr. Rybot himself, to whom those notes had been given. Yet he produced no power of attorney from Mr. Rybot to authorize him to bring this action; nor any proof that Mr. Chauvet and Mr. Turquend had assigned back to Mr. Rybot the notes which he had assigned to them. Nor would the Court of Common-Pleas insist upon his doing either of these things, though both seemed necessary to warrant and support this

new action. However, upon Mr. Du Calvet's counsel insisting on his behalf, that the whole account of what was due from him to Mr. Rybot (if any thing was then due,) should be gone into, the Court seemed to think this a reasonable proposal, and accordingly, on the 18th of March, 1778, made an order, with the consent of both parties, that the settlement of this account should be referred to the arbitration of four persons to be named by Mr. Lees and Mr. Du Calvet, and an umpire appointed by the court, to decide the differences of opinion that might arise between the arbitrators, whenever they should be equally divided against each other. Mr. Lees accordingly named Mr. William Kay and Mr. John Grant, both of Montreal, for the arbitrators on the behalf of Mr. Rybot, and Mr. Du Calvet named Mr. John Bernard and Mr. Peter Bonthillier, both likewise of Montreal, as his arbitrators; and the Court appointed Mr. Jacob Jourdain to be the umpire.

These arbitrators accordingly made an award in February, 1779, but in a very irregular manner, and liable to many just exceptions, which were made to it on Mr. Du Calvet's behalf. In truth the arbitrators neglected to inquire into the quantity and value of the goods which Mr. Rybot had sent out to Mr. Du Calvet, and the money he had received on Mr. Du Calvet's account by the sale of his
Canada-

Canady-paper, and from other remittances which Mr. Du Calvet had since made him in bills of exchange and furs, or peltries, at several different times, and had considered only the promissory notes above-mentioned; and, upon the ground of those notes, two of them in conjunction with Mr. Jourdain, the umpire, made an award in Mr. Rybot's favour, by which they settled Mr. Du Calvet's debt to him at the sum of 2122*l.* 6*s.* 5*d.* sterling.

Great objections lay against this award, which ought to have been considered as fatal to it. In the first place, it was signed by only two of the arbitrators, Mr. Grant and Mr. Bonthillier, in the absence of Mr. Bernard, who was then in the country at a considerable distance from Montreal, and without the concurrence of Mr. Kay, the other arbitrator, though he was then at Montreal, and might have signed it. Secondly, it was signed by Mr. Jordan, the umpire, though it did not appear that any differences of opinion had arisen amongst the arbitrators, which he had been called in to settle. Thirdly, the award had been altered after it was signed, and was then written out fair and signed again by the same three persons, Mr. John Grant and Mr. Peter Bonthillier and Mr. Jacob Jordan; which last signing was after the expiration of the time during which the arbitrators were authorized to make their award; and other very strong objections were made to it. But

the Court of Common-Pleas over-ruled them all, and on the 5th of June, 1779, confirmed the award.

Mr. Du Calvet, upon this, immediately appealed from this Judgment of the Court of Common-Pleas to the Court of Appeal, which consisted of either the Governour or the Lieutenant-Governour, or the Chief Justice, and Legislative Council of the province; but in which it must be observed, that Governour Haldimand had never thought proper to preside in person at that time, at any appeal, but had left these judicial matters to be decided by the members of the Council, under the guidance or presidency of Mr. Cramahé, the Lieutenant-Governour. The Council admitted his appeal; and it came to a hearing before them on the 12th of October, 1779, Mr. Cramahé, the Lieutenant-Governour, being present and presiding in the Council.

The Council sat again on the 16th of the same month of October, 1779, and then confirmed the Judgment of the Court of Common-Pleas at Montreal, which had confirmed the award of the arbitrators, by which Mr. Du Calvet had been declared to be debtor to Mr. Rybot of the sum of 2122*l.* 6*s.* and 5*d.* sterling. Mr. Du Calvet then resolved to carry the matter to the Court of the last resort, that of the King in his Privy Council in England, and for that purpose presented a petition

tion to the Court of the Governour and Council of the province of Quebeck, on the 25th of October, 1779, praying the Court to allow an appeal, from the Judgement given by them on the 16th of the same month, to the King in Council, and also that a commission to take the bail which it would be necessary for him to give that he would prosecute his said appeal and abide by the decision of it, might be issued to some person in Montreal, where Mr. Du Calvet resided; whereby Mr. Du Calvet would be spared the necessity of taking a journey of 180 miles, from Montreal to Quebeck, at that bad season of the year.

But this last favour was refused him, and the Court made an order on the 1st of November, 1779, that the Appeal should be allowed upon his giving good and sufficient bail to prosecute the appeal to effect before the King in Council, but that the recognizance should be entered into in the Court of Appeals, or Court of the Governour and Council, itself, (which was held at Quebeck,) and not before a commissioner at Montreal; and that he and his sureties should attend at Quebeck, for the purpose of giving such recognizance, on Monday, the 22d of the same month of November, 1779.

In obedience to this order Mr. Du Calvet set out from Montreal, with his two sureties,
Mr.

Mr. Joseph Cazeneuve and Mr. Sigismund Dubuit, (both of Montreal,) for Quebeck on the 16th of November, 1779, but did not arrive there till the 21st, having been obliged, by the bad condition of the roads, to travel slowly. This, however, was within the time allowed them, the 22d being the day that had been appointed by the order of the Court of Appeal for taking his recognizance. Accordingly, on the next day, the 22d of November, 1779, Mr. Du Calvet and his two sureties went to the Court of Appeals at 10 o'clock in the morning, to enter into the recognizance and bonds that were required of them. But, when they came there, Mr. Cramahé, the Lieutenant-Governour, (though he had joined in the above-mentioned order of the Court, which had directed Mr. Du Calvet to come to Quebeck, with his sureties, on this 22d of November, and in consequence of which they had made this journey from Montreal in that bad season for this very purpose,) refused to let them do the business they were come about, and adjourned the Court immediately to the 6th of the following month of December, with an appearance of impetuosity and anger which seemed to surprize some of the other members of the Council who happened to be present.

After this sudden adjournment of the Court Mr. Cramahé went out of the room, and
stopped

stopped on the outside of it for a short time to speak with Monsieur de Lery and Mr. Finlay, two other members of the Council. But, upon seeing Mr. Du Calvet come out after him and endeavour to come up to him and speak to him, he broke off his conversation with those two gentlemen abruptly, and went away.

Mr. Du Calvet was so surprised and shocked at this behaviour of Mr. Cramahé, that, happening in his way from the Council-room to his lodging, to meet with Mr. George Alsop, another member of the Legislative Council, he could not help speaking to him of it. Mr. Alsop (who on many occasions has shewn himself a lover of law and liberty,) made answer, "That it did not much surprise him; for that every thing that had been done of late in the Council had been so new and strange that he could not understand it." And he added, "That the members of the Council were extremely unwilling that any of the decisions given in the province should be carried by appeal to England, and that they were determined to do all they could to prevent it."

About an hour after this breaking up of the Council in this sudden manner, Mr. Du Calvet went to wait upon Mr. Cramahé at his house, and had a long conversation with him

him upon the subject, in which Mr. Cramahé plainly told him, "that he was against his
 " making this appeal to the King in Council,
 " and that he was resolved not to receive the
 " sureties he offered to the court in order to
 " make it." Upon which Mr. Du Calvet, finding Mr. Cramahé, and others of the Council, so averse to his making this appeal from their judgement, thought it necessary to have recourse to the Governour himself, though he knew that his Excellency did not usually chuse to meddle in this judicial business of the Council. But in the present case he hoped he would interfere, in order to procure him an allowance of what was so plainly his right, the liberty of appealing for justice to his Sovereign in Council, agreeably to the directions of the ordinance that had established the several Courts of Justice in the province, and the conditions upon which appeals might be made from them. And for this purpose he presented a petition to General Haldimand, conceived, as he thought, in terms sufficiently respectful, and which had been previously perused and approved by Mr. Jenkins Williams, who was at that time the Register of the Court of Appeals or Legislative Council, and had been on former occasions employed by Mr. Du Calvet as his Lawyer and Advocate, and who therefore might be supposed to be a good Judge of the style in which such a petition ought to be drawn. But, that the readers
 of

of this narrative may judge for themselves of the style and manner of expression used in this petition, and determine how far it deserved the harsh answer General Haldimand gave it, it shall be here inserted word for word. It was as follows.

*A son Excellence Messire Frédéric Haldimand,
Ecuyer, Gouverneur en Chef de la province
de Canada, Général des forces de sa Majesté
Britannique, &c.*

*Requête de Pierre Du Calvet. Le suppliant
a l'honneur de représenter à votre Excellence ses
justes plaintes. Son entière confiance en votre
équité l'enhardit; et il ose espérer que, vu la
légitimité de sa demande, il plaira à votre Ex-
cellence faire droit.*

*Le Suppliant ayant interjetté appel d'un juge-
ment dans une cause entre lui suppliant et Fran-
çois Rybot de Londres pardevant sa très gracieuse
Majesté et son Conseil privé par une requête pré-
sentée le 25 d'Octobre dernier à la Cour d'Appel
de cette province, il sortit un ordre de la ditte Cour
d'Appel le premier de ce mois, par lequel il fut
ordonné que lui, suppliant, présenteroit les cau-
tions, dont il entendoit se servir, le 22 du présent
mois.*

Qu'en conformité à cet ordonné de la ditte cour, il se seroit transporté en cette ville, avec les cautions, à gros frais et peine, vû la difficulté des chemins.

Que son exactitude à remplir ce à quoi la ditte Cour d'Appel l'avoit soumis, lui devient onéreuse, puisque, sans aucune formalité pré-alable, cette cour a été ajournée au 6 du prochain mois.

Qu'un retardement aussi considérable est pour lui, suppliant, une cause dommageable par les dépenses énormes que lui et ses cautions sont obligés de faire; lesquelles deviendront plus fortes, vû que la saison est très avancée, et qu'il est probable qu'au fix du prochain mois les chemins et les rivières seront impraticables; en outre par les affaires de chacun d'eux, qui demandent leur présence à Montréal.

Plus, le suppliant a l'honneur de représenter à vôtre excellence, que, s'étant aussi rendu appellant d'un jugement de la Cour de Playdoyers communs de Montréal dans une cause entre lui, suppliant, et Brook Watson et Rashleigh de Londres, il auroit présenté, pour cautions du dit appel, le docteur Cazeneuve et Sigismond Dubuit, de Montréal, lesquels ont été reçus le 21^{eme} d'Octobre dernier, et ont prêté serment.

Que sept jours après, en l'absence de lui, suppliant, les Juges de Montréal, nonobstant l'acceptation

ception précédente des cautions, les déclarèrent non-recevables.

Pour mettre fin à tant de tracasseries, et clorre toute voye à mauvaise chicane, le suppliant avoit offert au Sieur Sanguinet, avocat des dits Watson et Resbleigh, de remettre entre ses mains, ou autres qu'il jugeroit à propos, pour double valeur en effets, suivant l'estimation d'experts. Son offre fut rejetée, et le suppliant remit aux dits Sieurs Caxeneuve et Du Buit pour la valeur du double, et même au-delà, de la somme que qui que ce soit pourroit répéter contre lui, suppliant.

Le suppliant prévoit que toutes les difficultés, qui naissent à chaque instant, ne tendent qu'à le priver du seul moyen qui lui reste suivant la loi, la Justice, et l'Equité, qui est la voye d'appel.

Pourquoi, et sur les représentations cy-dessus, le suppliant espère, fondé sur l'Equité de vôte Excellence, qu'il lui plaira inter-poser son autorité et ordonner que les cautions cy-dessus dénommées, présentées par lui, suppliant, pour cause d'appel entre lui et Rybot et Watson et Rasbleigh, de Londres, seront reçues sans autre délai, ou ordonner que lui, suppliant, déposera entre les mains de telle ou telles personnes qu'il plaira à vôte Excellence de nommer à cet effet, une quantité d'effets équivalente, ou pour double la somme portée par les dits jugements; en conséquence ordonner, qu'il sera surfis à l'exécution du jugement

ment de l'honorable Cour des playdoyers communs de Montréal.

Des propositions aussi claires ne peuvent laisser à votre Excellence aucun doute de la justice des prétensions du suppliant. Aussi espère-t'il qu'il lui plaira se servir de son autorité, afin que justice lui soit rendue : Et votre suppliant ne cessera de prier pour la prospérité de votre Excellence.

Pierre Du Calvet.

A Québec,

Le 24 Nov. 1779.

This petition was presented to General Haldimand on the 24th of November, 1779: and about the same time Mr. Du Calvet waited upon his Excellency no less than five different times, in hopes of an answer to it. The General received him civilly, and confessed to him that he thought his case a very hard one, and that he wondered much that the Council, or Court of Appeals, after having on the 1st of that month (November, 1779) appointed the 22d as the day on which they would admit Mr. Du Calvet to give the good and sufficient security to prosecute his Appeal before the King in Council with effect, which was required of him, and after Mr. Du Calvet and his two sureties had, in consequence of such order, come up to Quebeck
from

from Montreal, in that bad season for travelling, for the very purpose of giving this security;—I say, General Haldimand confessed to Mr. Du Calvet that he wondered much, that, after all these previous steps of a contrary tendency, the Council should have refused to admit him to give this security, and should have so suddenly adjourned themselves to so distant a day as the 6th of the following month of December, whereby he was obliged to continue in Quebec, with his two sureties, for above a fortnight, at a great expence, and with great inconvenience to their affairs, by their absence from their respective homes. And from this declaration of the General, Mr. Du Calvet was induced to hope, that his Excellency would use his endeavours with the Council to prevail on them to admit the security he offered for his appeal, and that immediately, (if the rules of the Council would admit of it,) without waiting till the 6th of the following month of December, 1779, to which Mr. Cramahé had so hastily adjourned the Council.

But in this hope Mr. Du Calvet was deceived. For the General, notwithstanding the civil reception he gave Mr. Du Calvet, and the sense he expressed of the harsh treatment he had met with, refused to interfere with the Council in his favour, and on the 3d of December, 1779, that is after a delay of nine days,

days, sent him the following dry and severe letter in answer to his petition.

Monsieur,

Je ne puis, ni ne dois, vous accorder ce que vous me demandez par votre placet du 24^{me} du mois, dernier. Au reste Je vous conseille très fort de parler avec respect des tribunaux publics, comme de ceux qui y siègent.

Je suis, Monsieur,

Vôtre très humble,

et très obéissant serviteur,

Frédéric Haldimand.

If we compare this answer of General Haldimand with his preceeding civil behaviour to Mr. Du Calvet, and the declaration he had made of his surprize at the strange treatment he had received from the Council, it seems probable, that he must have been perswaded by his great adviser, Mr. Mabane, to decline interfering in Mr. Du Calvet's favour, and to return him the severe answer just now recited. Indeed it is almost impossible

fible to account for his behaviour in any other way.

On the 6th of December Mr. Du Calvet went again to the Council, or Court of Appeals, with Mr. Joseph Cazeneuve and Mr. Sigismund Dubuit, his two sureties, to give the security required for his appeal. But the Council would not admit them for good and sufficient securities, because they had not landed property in the province to the amount of twice the sum in question.

This was an objection which Mr. Du Calvet conceives to be in no degree warranted by the laws of the province, which require only that the sureties in an appeal, or other action, should be worth, and, if required to do so, should swear that they are worth, twice the sum in contest in any kind of property, whether, landed or personal: and he is positive that many appeals to the King and Council had been allowed upon sureties who had no other than personal property, without the least difficulty or objection.

However, to remove this new objection (which seemed to be started by some of his enemies with a view to distress him,) Mr. Du Calvet offered to transfer into the hands of such persons as the Council, or Court of Appeals,

peals, should think fit to appoint, houses at Montreal, and other property, to the amount of twice the sum in question, which should become chargeable with the debt and costs of the action, in case the King in Council should determine it against him.

This seemed likely to answer every substantial purpose of justice still better than the finding sureties to be bound for him who were possessed of landed property in the province; because by this means the requisite quantity of property would itself remain in the hands of respectable third persons, or trustees, chosen by the Court of Appeal itself, to answer the event of the appeal, without a possibility of being alienated in the mean time, as might be the case with the landed property of any sureties who might have become bound for Mr. Du Calvet, according to the Council's requisition. But this offer of Mr. Du Calvet was refused by the Council, as well as his former offer of Mr. Cazeneuve and Du Buit for his sureties.

And here it must be observed, concerning Mr. Cazeneuve and Mr. Du Buit, that they were mentioned by name in Mr. Du Calvet's petition of the 25th of October, 1779, as being the persons he meant to produce as his sureties for this appeal to the King in Council; and that the Court of Appeals did not then

then make any objection to them on account of their want of landed property, but seemed to approve them, and to be willing to receive them, as sufficient securities for the purpose, and accordingly made their order, above-mentioned, of the 1st of November, 1779, that Mr. Du Calvet should attend at Quebec, with his sureties, to give the proper securities for his appeal, on the 22d of the same month.

This order Mr. Du Calvet had considered; at the time it was made, as in some degree an act of severity towards him, inasmuch as it required him and his sureties to make a troublesome winter-journey from Montreal to Quebec for this purpose, instead of being permitted to enter into these engagements before a Commissioner at Montreal, whom the Court of Appeals might have authorized to take these securities in that town, as they had done in divers other appeals of the same kind both before and since. But he had afterwards much more reason to complain of them, when, after his coming to Quebec, with his two sureties, on the 22d of November, in obedience to their order, Mr. Cramahé refused to admit them to give security, and adjourned the Court suddenly to the 6th of December, and then, on the said 6th of December, again positively refused to receive them.

When Mr. Du Calvet found himself thus precluded, by this resolution of the Legislative Council of the province, from this right of appealing from their decision to his Majesty in Council, he submitted to his fate, and accepted of a proposal made him by Mr. Lees, the agent, or representative, of Mr. Rybot in this action, to pay the money in question, to wit, 2122*l.* 6*s.* and 5*d.* sterling, in two equal portions, in the course of the months of September, in the two following years 1780 and 1781, that is, 1061*l.* 3*s.* and 2½*d.* in the course of September, 1780, and 1061*l.* 3*s.* and 2½*d.* in the course of September, 1781; but without any interest upon the said sums, and without any costs of suit. And Mr. Du Calvet further consented, that, if Mr. Lees could find an opportunity of selling the goods, or merchandizes, then in Mr. Du Calvet's ware-houses, for a profit not more than 10 per cent. less than the customary profit made in the province by the sale of the same sorts of goods, he should be at liberty to sell the said merchandizes as soon as he pleased, and thereby pay himself the said sum of 2122*l.* 6*s.* and 5*d.* or a part thereof, before the said terms of payment then agreed upon. And in case Mr. Du Calvet failed in performing the conditions of this agreement, Mr. Lees was to be at liberty to take out the execution upon the judgment that had been given

given against him, and Mr. Du Calvet relinquished his right of appealing from it.

This agreement was reduced to writing in the French language, and signed by Mr. John Lees and Mr. Du Calvet, in the presence of the Legislative Council. Mr. Lees at the same time agreed, in the presence of the said Council, to deliver up to Mr. Du Calvet, in the course of a few days, all the bills of exchange and promissory notes which Mr. Du Calvet had formerly drawn in favour of Mr. Rybot, and which were the foundation of this demand of Mr. Rybot, and of the judgment of the Court of Common-Pleas at Montreal, which had been confirmed by the Council, or Court of Appeals, at Quebeck, and from which Mr. Du Calvet had wished to appeal to the King in Council. But this engagement of Mr. Lees was not inserted in the written agreement above-mentioned, because the members of the Council thought it a thing of course, and too plain to need being specifically engaged for in that agreement, and therefore persuaded Mr. Du Calvet to sign the agreement without it, though he had desired to have a clause added to the agreement for the sake of removing all doubt about it. Mr. Du Calvet has since had reason to be sorry that such a clause was not inserted in the said agreement as it had been in the award that had been made against him by the arbitrators at Montreal, and which

had been confirmed by the Court of Common-Pleas there, and afterwards by the Council of the province, or Court of Appeals, the last clause of which award was in the words following.

“ Nous prononçons et ordonnons, Que le dit Jean Lees délivrera au dit Pierre Du Calvet, Ecuyer, toutes et chacune des Lettres de Change, Promesses, ou autres Sûretés, qu’il peut avoir en possession, données ou accordées par le dit Pierre Du Calvet au dit François Rybot, ou à toute autre personne pour son compte ; et de plus, qu’il lui passera obligation, conjointement avec quatre bonnes et suffisantes cautions, qui devront être approuvées par la ditte Cour des Playdoyers Communs, pour la somme pénale de quatre mille livres, de garantir de tout trouble et indemniser le dit Pierre Du Calvet de et contre toute réclamation, demande, ou compte quelconque, dû au dit François Rybot, pour, on en vertu de, aucun billet, promesse, ou sûreté, qui pourroient n’être pas entre les mains du dit Jean Lees, ou qui pourroient être restées, ou écartées, ou transportées à aucune autre personne quelconque ; de façon à garantir pleinement et indemniser le dit Pierre Du Calvet, et ses héritiers, jusqu’ à ce que le statut de prescription les aura rendus nuls, tant en Europe que dans cette province : et qu’ après les dites parties se donneront quittance générale réciproquement, l’un à l’autre, de toute prétention et demande quelconque,

After

After this agreement of December the 6th, 1779, Mr. Du Calvet resolved to comply with the terms of it in the most punctual manner possible, notwithstanding the hardship he had undergone in having been forced to enter into it by the refusal of the Court of Appeals to allow his appeal to the King in Council, in the manner that has been mentioned.

Accordingly, in the latter part of September in the following year, 1780, when the first payment of 106*l.* 3*s.* and 2½*d* was to be made to Mr. Rybot, or to Mr. Lees, on Mr. Rybot's account, Mr. Du Calvet (being then at Quebec on account of his other lawsuit with Watson and Rashleigh, which he removed by appeal from the provincial Courts of Justice before his Majesty in Council) went to Mr. Lees at his house at Quebec, and told him, "That, he was ready to make him
" the first payment of the money due to Mr. Rybot in consequence of the agreement of
" the 6th of December, 1779, if he, Mr. Lees, would, (as he had promised to do,)
" deliver up to him the bills of exchange
" and promissory notes which he had formerly drawn in Mr. Rybot's favour." Mr. Lees made answer, "that the time for making this payment was not yet come, it
" being only the 26th of September, and the
" agreement having allowed the whole month
" of September for making this first payment." Mr. Du Calvet replied, "That
" he

“ he was not desirous of delaying the pay-
 “ ment for those few days of the month that
 “ were yet to come; but had rather pay the
 “ money, or give a bill of exchange for the
 “ money, immediately, if Mr. Lees would
 “ deliver him up the notes.” To this Mr.
 Lees said, “ That he had not got all the notes
 “ by him, but that some of them were in
 “ the hands of his lawyer; and that he was
 “ just at that time too busy to look out those
 “ he had by him: but that, if Mr. Du Cal-
 “ vet would put the bill of exchange he was
 “ to give him by way of payment of this first
 “ sum of 1061*l.* 3*s.* and 2½*d.* into the hands
 “ of his (Mr. Du Calvet’s) lawyer, he would,
 “ in the mean time, get the bills and notes
 “ together, and deliver them up to Mr. Du
 “ Calvet’s lawyer at the same time as he
 “ should receive from the said lawyer the new
 “ bill of Exchange for 1061*l.* 3*s.* and 2½*d.*
 “ which Mr. Du Calvet was to draw by way
 “ of payment of the said sum.” Accordingly
 Mr. Du Calvet immediately wrote the follow-
 ing letter to Mr. Russell, his lawyer, at Que-
 beck, to authorize him to deliver the bill of
 exchange in question, for 1061*l.* 3*s.* and 2½*d.*
 to Mr. Lees, upon the conditions, and in the
 manner, Mr. Lees had mentioned.

A Québec,

A Québec,
le 26 de Sept. 1780.

Monsieur,

Vous trouverez ci-joint, compris dans le mémoire fourni à messieurs les arbitres entre le Sieur Rybot et moi, la liste des billets que le dit Sieur devoit me remettre, montant à 644 l. 4s. 10d. sterling, et aussi la copie de l'accord passé en Cour d'Appel entre son procureur fondé, le Sieur Jean Lees, junior, et moi, par lequel vous verrez qu'il n'y est fait aucune mention de la remise des dits billets et traittes.

Il faut vous faire part que l'on ne comprit pas la remise de ces pièces dans la convention, parce que le Sieur Lees s'engagea en présence de Messieurs Jean Collins et François L'Evesque et Cugnet, fils, de me les remettre dans peu de jours. Je les lui ai souvent demandées, sans qu'il ait rempli sa promesse. Et, comme je veux remplir mes conditions, je vous remets, cy-inclus, une traite de ce jour à trente jours de vue, de Monsieur Jaques Curchod sur Messieurs Fermin, Dastel, et compagnie, pour la somme de 106 l. 3s. and 2½d. sterling, tirée à mon ordre et par moi endossée en blanc, que je vous prie de donner au dit Sieur Lees après qu'il vous aura remis les billets et traittes cy-dessus mentionnés, montant à la somme de 644 l. 4s. 10d. et non autrement. Ainsi dans le cas que le Sieur Lees refusât de vous remettre la
totalité

*totalité des dits billets et traittes, vous ne lui don-
nerez point la Lettre de Change sur Londres. Et
dans le cas que le Sieur Lees voulut se prévaloir de
ce que cette clause n'est point comprise dans la con-
vention enregistrée à la Cour d'Appel, vous aurez la
bonté de vous opposer à ce qu'aucune exécution ne soit
lâchée hors de la Cour d'Appel contre moi ; et ap-
pellerez Messieurs Collins, L'Evesque, et Cugnet
à témoin, comme quoi il s'étoit obligé devant eux
de me faire la remise des dittes pièces sous peu de
jours. Et, au besoin, vous pourrez enfler la pré-
sente en cour, pour empêcher toute surprise de
procédure.*

J'ai l'honneur d'être, &c.

Pierre Du Calvet.

In pursuance of this letter from Mr. Du Calvet, Mr. Russell went, on the 28th of September, 1780, to Mr. Lees, to acquaint him that he was ready to deliver him Mr. Du Calvet's bill of exchange upon London for the aforesaid sum of 106 *l.* 3*s.* and 2½*d.* upon his delivering up the other bills of exchange and promissory notes of Mr. Du Calvet in favour of Mr. Rybot, which had been the subject of the action between them. Mr. Lees acknowledged that he had a great number of bills and notes that were to be given up to Mr. Du Calvet; but still he declined giving them up

to Mr. Russell, because he did not produce a power of attorney from Mr. Du Calvet to authorize him to receive them. And Mr. Russell, in consequence of this refusal on the part of Mr. Lees, refused, on his side, to deliver him Mr. Du Calvet's new bill of exchange on London for 1061*l.* 3*s.* and 2½*d.* agreeably to Mr. Du Calvet's direction to him in the letter above-recited.

In the mean while Mr. Du Calvet was arrested by Captain Laws on the 27th of September, 1780, and brought up, a prisoner, to Quebeck, and carried in the same capacity on board the *Canceaux* on the 29th of the same month.

In a few days after his being so arrested and confined, Mr. Lees obtained Governour Haldimand's leave to go to him, on board the *Canceaux*, to endeavour to prevail on him to give his lawyer, Mr. Russell, directions to deliver him the said bill of exchange on London for 1061*l.* 3*s.* 2½*d.* Mr. Du Calvet insisted at first, (as he had done before) that Mr. Lees should at the same time deliver up to himself, or Mr. Russell, his lawyer, all the bills of exchange and promissory notes, in favour of Mr. Rybot, above-mentioned; but upon Mr. Lees' assuring him that they were not all in his possession, and that he would deliver up to Mr. Russell all those that were so, and would take care that

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all the rest should be likewise delivered up before the second payment of 1061*l.* 3*s.* and 2½*d.* sterling, which was to be made in September, 1781, he wrote another letter to Mr. Russell to authorize him to deliver the said bill of exchange for 1061*l.* 3*s.* and 2½*d.* to Mr. Lees, upon his delivering up those bills and notes, which he acknowledged to be in his possession, and which amounted to about 4000*l.* sterling, of the whole sum of 6441*l.* 4*s.* and 10*d.* to which they amounted all together. And this was accordingly done. Mr. Lees delivered up to Mr. Russell Mr. Du Calvet's bills and notes to the amount of about 4000*l.* sterling; and Mr. Russell delivered to Mr. Lees Mr. Du Calvet's new bill of exchange upon London for 1061*l.* 3*s.* and 2½*d.*

Things remained in this condition till the following year 1781, when the second payment of 1061*l.* 3*s.* and 2½*d.* was appointed to be made by Mr. Du Calvet, in the course of the month of September. Mr. Du Calvet, it must be remembered, continued all this while a prisoner in the convent of Recollet Monks at Quebeck; and his commercial and other pecuniary affairs were therefore of necessity in confusion. Nevertheless he would have made this second payment at the time appointed, if Mr. Lees, the agent of Mr. Rybot, had complied with the condition of the agreement on his part, which was to deliver

ver up to him the remainder of the bills of exchange and promissory notes he had formerly made to Mr. Rybot. These bills and notes had amounted all together to the sum of 6441*l.* 4*s.* and 10*d.* sterling; and Mr. Lees had delivered up to Mr. Russell, (the lawyer employed by Mr. Du Calvet at Quebeck,) as many of them as amounted to about 4000*l.* sterling, in the month of October of the former year, 1780, when Mr. Russell put into his hands Mr. Du Calvet's new bill of exchange for 1061*l.* 3*s.* and 2½*d.* in favour of Mr. Rybot.

There remained therefore a further quantity of those other bills of exchange and promissory notes of Mr. Du Calvet, to the amount of about 2441*l.* which were to be delivered up to him in September, 1781, upon his making the second and last payment of 1061*l.* 3*s.* and 2½*d.* in pursuance of the agreement of December the 6th, 1779. But these bills and notes Mr. Lees had not procured from Mr. Rybot, notwithstanding almost two years had elapsed from the time of the said agreement. And therefore, when he applied to Mr. Du Calvet in his confinement at the Recollet convent in the beginning of the month of October, 1781, for this second payment, Mr. Du Calvet refused to make it, till these bills and notes were delivered up. And, lest Mr. Lees should take advantage of

this refusal to sue out execution in the Court
 of Appeals, or Council of the province, against
 him for this remaining sum of 1061*l.* 3*s.* and
 2½*d.* sterling, Mr. Du Calvet directed Mr.
 Russell, his Lawyer, to present a petition to
 the Court, "in which all the preceeding steps
 " in the course of the action were recapitu-
 " lated, and particularly the agreement made
 " between the parties on the 6th of Decem-
 " ber, 1779, and the verbal promise made
 " by Mr. Lees at the time of the said agree-
 " ment, in the hearing of Mr. L'Evesque,
 " Mr. Collins, and Mr. Cugnet, that he
 " would deliver up to Mr. Du Calvet his old
 " bills of exchange and promissory notes to
 " Mr. Rybot, in the space of a few days;
 " and, lastly, stating the refusal of Mr. Lees
 " to fulfil this promise with respect to so
 " many of these bills and notes as amounted
 " to about 2441*l.* and that this refusal was
 " the ground of Mr. Du Calvet's declining
 " the payment of the remaining sum of 1061*l.*
 " 3*s.* and 2½*d.* which was to have been paid,
 " according to the said agreement, in the
 " course of September, 1781, and decla-
 " ring that he, or his friends, were ready
 " and willing to make this latter payment as
 " soon as Mr. Lees would deliver up to him
 " the said bills and notes according to his
 " promise: and, thereupon, praying, that
 " the Court would not permit Mr. Lees to
 " take out execution against him for the
 " said

“ said remaining sum 1061*l.* 3*s.* and 2½*d.*,
 “ sterling, till Mr. Lees should first have
 “ delivered up to him the said remaining bills
 “ and notes to the amount of about 2441*l.*
 “ and Mr. Du Calvet should, nevertheless,
 “ have refused to make him the said second
 “ payment of 1061*l.* 3*s.* and 2½*d.* according
 “ to the aforesaid agreement.”

This petition was presented to the Court
 of Appeals, or Council of the province, in
 the beginning, or middle, of the month of
 October, 1781, while Mr. Cramahé, the
 Lieutenant-Governour, (who left the pro-
 vince on his return to England in the latter
 part of the same month of October, 1781,) continued to preside in it. And the truth and
 reasonableness of what was alledged in it
 seemed (as Mr. Du Calvet has been infor-
 med) to make a considerable impression on
 the minds of many of the Counsellors. And
 Mr. Cramahé, in particular, expressed his
 surprize at hearing that Mr. Lees had not yet
 delivered up those old bills and notes, in a
 very strong manner. “What! said he, are
 “ not those bills and notes delivered up yet?
 “ Well; from this moment I will have no
 “ hand in any proceeding in this business
 “ against Mr. Du Calvet. And I am glad
 “ that my voyage to England will prevent
 “ my being solicited to meddle any further
 “ in it.”

Accor-

Accordingly nothing was done by the Court against Mr. Du Calvet while Mr. Cramahé continued in the province. But on the 25th of the said month of October, 1781, both Mr. Cramahé and Mr. Lees quitted the province, and set sail for England, where they afterwards arrived. And Mr. Lees left the management of his affairs in Canada to a Mr. Davison, who was his partner. This Mr. Davison was a very particular friend of Mr. Mabane, the Judge of the Common-Pleas at Quebeck; so much so, that he lodged at Mr. Mabane's house, instead of living with his partner, Mr. Lees. And by his behaviour to Mr. Du Calvet a few months after the departure of Mr. Lees from the province, it should seem that he had imbibed some of Mr. Mabane's rancour against Mr. Du Calvet, or, at least, he became the instrument of gratifying it. For, notwithstanding the aforesaid petition of Mr. Du Calvet to the Court of Appeals, (which seemed, at the time of presenting it, to have made such an impression in his favour,) Mr. Davison, in the beginning of the following month of January, 1782, made an application to the Court, as Mr. Rybot's agent, or representative, to grant him an execution against Mr. Du Calvet's goods and lands for the sum of 1061*l.* 3*s.* and 2½*d.* sterling, which yet remained to be paid by Mr. Du Calvet. Upon this application, the Court made an order that Mr. Du Calvet should

should be summoned to attend the Court on Tuesday the 8th of January, 1782, and shew cause why execution should not be granted against him for the sum of 1061*l.* 3*s.* and 2*½d.* sterling, which he ought to have paid in the preceeding month of September, 1781.

This order was served upon Mr. Du Calvet in his confinement in the convent of Recollet Monks on Thursday, the 3d of January, 1782, by Mr. Prenties, the Provost-Martial of the army, by whom Mr. Du Calvet had been conducted in December, 1780, from the military prison at Quebec, to the said convent of Recollets, and under whose care and super-intendance all the persons that were confined by military authority in any place within the town of Quebec, as well as in the military prison, of which he was the keeper, were placed by the Governour. And on the Sunday following, the 6th of January, 1782, he was served by the same person with a second order of the like purport, directing him to appear in Court for the purpose aforesaid on the very next day, Monday, the 7th of January, instead of Tuesday, the 8th of January.

The reason of this change of the day of his appearance, (which seems to have been a very strange and irregular proceeding,) Mr. Du Calvet is not acquainted with. However,
when

when he was thus informed that the Council required him to appear before them, he told Mr. Prenties that he would go thither, weak and ill as he was, and would endeavour to convince the Council of the injustice of granting Mr. Davison the execution he desired. But he was greatly surprized when Mr. Prenties told him, "that, notwithstanding those two summonses, he could not permit him to go out of his place of imprisonment, having received no orders for that purpose." He thereupon wrote a note to his lawyer, Mr. Russell, to desire him to appear for him before the Court of Appeals on the next day, Monday, the 7th of January, 1782, and shew cause for him against Mr. Davison's application: which Mr. Russell accordingly did; but without success. For the Court, with General Haldimand at its head, granted the writ of execution which Mr. Davison applied for, notwithstanding every thing that Mr. Russell could urge to the contrary.

This did not, however, pass unanimously: for Mr. L'Evesque, (who has been so often mentioned in this narrative,) declared, "that he thought it a very hard and unjust proceeding, as Mr. Lees had not yet delivered up the old bills of exchange and promissory notes to Mr. Du Calvet, according to his promise, and therefore that he
" would

"would not join in it;" and some other members of the Council intimated a disapprobation of it, but did not venture to express it plainly: and even General Haldimand seemed at first to be staggered by some of the reasons alledged in Mr. Du Calvet's favour by Mr. Russell; but, upon Mr. Mabane's expressing himself strongly for granting Mr. Davison's request, and awarding the writ of execution, General Haldimand complied with his advice, and the rest of the Council joined with them, excepting only Mr. L' Evesque, who, when he found that he could not prevent it, quitted his seat at the Council-table, that he might not have any concern in it.

And here it will be proper to observe, that this was the only instance of General Haldimand's sitting in the Legislative Council, as a Court of Appeals, from the 25th of October, 1781, when Mr. Cramahé, the Lieutenant-Governour, (who had been used to preside in that Court,) quitted the province to go to England, to the end of the month of June, 1782, when Captain Henry Hamilton, (who was appointed Lieutenant-Governour of the province in the room of Mr. Cramahé,) arrived in it.

In this interval of time there were several appeals from the Courts of Common-Pleas at
B b
Quebeck

Quebeck and Montreal, (besides the aforesaid business of Mr. Du Calvet,) that continued in a state of suspense, and were waiting for a decision : but no Court of Appeals was held to decide them, on account of the absence of the Lieutenant-Governour ; it being either ordained by the Provincial ordinances (that established the Courts of Justice in the province, after the complete and sudden overturning of all the old jurisdictions in it by the Quebeck act in 1775,) or being, at least, supposed to be the Constitution of the Legislative Council, when acting as a Court of Appeal, that it could not sit, without the presence of either the Governour, or the Lieutenant-Governour, or the Chief Justice of the province, to preside over it.

The Chief Justice of the province, Mr. Livius, has been in England or Ireland (to the great mortification of the inhabitants of the province of Quebeck, who longed for his return, and for the protection which they hoped his presence would have afforded to their liberties) ever since General Haldimand's appointment to the Government of the province. And, while Mr. Cramahé, the Lieutenant-Governour, continued in the province, that is, till October the 25th, 1781, General Haldimand devolved upon him this duty of presiding over the Council of the province in their judicial character of a Court of Appeals ; and afterwards,

wards, upon the arrival of Captain Hamilton in the province, as successor to Mr. Cramahé in the said office of Lieutenant-Governour, (which happened in June, 1782,) he in like manner devolved the same duty upon him. And in the interval between the departure of Mr. Cramahé, and the arrival of Captain Hamilton, no Courts of Appeal were held at all, except in the single case above mentioned of Mr. Rybot's action against Mr. Du Calvet, and for the purpose of granting the above-mentioned Mr. Davison, (the partner of Mr. Lees, and agent of Mr. Rybot,) a writ of execution to authorize him to raise the said sum of 1061*l.* 3*s.* and 2½*d.* sterling, by the seizure and sale of Mr. Du Calvet's goods and lands: though at the same time there were many other appeals lodged in the Court, which were waiting for a decision.

The writ of execution accordingly issued to Mr. Gray, the Sheriff of the district of Montreal, in which Mr. Du Calvet's goods and lands lay; and it was signed by General Haldimand, as President of the Court. But, as the ordinances of the province direct, that no lands shall be sold by writs of execution for the payment of debts till after the expiration of four months from the time of their being put up to sale by a publick advertisement, Mr. Du Calvet had time to apply to his friends to assist him to raise the money and pay it to Mr.

Davison before such sale of his lands could take effect. And here his good friend Mr. L'Evesque came again to his assistance, and, with the help of 500*l.* Hallifax currency, or 450*l.* sterling, which Mr. Du Chesnay, the Seigneur of Beauport near Quebeck, freely offered to lend Mr. Du Calvet on this occasion, and which Mr. Du Calvet accepted, paid Mr. Davison the whole sum of 1061*l.* 3*s.* and 2½*d.* that was awarded to him.

This Mr. Du Chesnay is one of the most respectable gentlemen in the province of Quebeck, both in point of fortune and character, being possessed, not only of the valuable seigniority of Beauport, at the distance of four miles from Quebeck, but of other considerable landed property in different parts of the province, and likewise of a considerable personal estate. But he had no acquaintance at that time with Mr. Du Calvet. His offer, therefore, of assisting him on this occasion was the mere effect of his compassion for his situation, and his indignation at the cruel and unmerited treatment he had met with. He saw that his liberty had been long ago taken from him without any known, or probable, cause, and that his health had been greatly impaired by the length and unnecessary hardship of his imprisonment; and he now perceived that his enemies were likely to bring about the ruin of his fortune also, by causing his effects and
lands

lands to be sold by Auction, by virtue of a writ of execution, at a time when it was not likely they would go for half their value. He offered, therefore, to assist in protecting his fortune against his enemies, though he could not afford any protection to his person against the unjust imprisonment he was suffering under the violence of an assumed military authority that was warranted neither by the laws of England nor those of the province. His offer was made in a letter to Mr. Du Calvet, dated on the 8th of February, 1782, about a month after the writ of execution had been awarded against him, which was as follows.

*A Monsieur Du Calvet, Ecuyer, à
Québec.*

*A Beauport,
ce 8 Fevrier, 1782.*

Monsieur,

Monsieur Panet, Juge, m'a dit que les personnes qui avoient fait saisir vos biens, profitant de vos malheurs, vous traitoient avec beaucoup de dureté; — Que Monsieur L'Evesque leur avoit proposé six cents livres comptant, s'ils vouloient vous attendre pour le reste à
ce

ce printemps : ce qu'ils n'avoient pas voulu accepter qu'à des termes très extraordinaires.

Monsieur, quoique je n'ai pas l'honneur de vous connoître particulièrement, votre naissance et votre situation me suffissent pour désirer de vous rendre service. Je vous offre en conséquence, pour le temps que vous voudrez, les cinq cents livres qui vous manquent, et plus, s'il vous le faut, avec le seul intérêt ; me flattant que vous ne me refuserez pas les sûretés convenables : votre délicatesse m'est aussi trop connue pour n'être pas assuré que vous me les donnerez.

Si cela peut vous faciliter, je vous prie de m'en donner avis ; étant déterminé d'arrêter ma spéculation de bled pour vous être utile : ce que je vous prie de mettre à l'épreuve.

J'ai l'honneur d'être, avec autant de considération que d'estime,

Monsieur,

Votre très humble,

et très obéissant serviteur,

Juchereau Du Chesnay.

By this generous offer of Mr. Du Chénay, and the friendly assistance of Mr. L'Evesque, Mr. Du Calvet discharged the remaining sum of 1061l. 3s. 2½d. that was due to Mr. Rybot, according to the agreement of the 6th of December, 1779, and avoided the necessity of having his lands in the district of Montreal seized and sold by public auction, and for a small part of their value, by virtue of the said writ of execution. But he has not, to this hour, had the remainder of his old bills of exchange and promissory notes to Mr. Rybot, (which amounted to about 2441l. sterling) delivered up to him, as Mr. Lees had promised him he should have in the course of a few days after signing that agreement.

And, though the injury his fortune had received by the proceedings of the courts of justice in the province, (that is, of the Court of Common-Pleas at Montreal, and the Court of Appeals, or Council of the province,) which have been above related, was not *quite* so great as it would have been if the friendship of Mr. L'Evesque, and the generosity of Mr. Du Chénay had not intervened to prevent the sale of his landed property by means of the said writ of execution, it yet has been greater than will readily be conceived. For at the time of his being arrested by Captain Laws in September,

ber, 1780, he had goods and merchandizes in his warehouses at Montreal to the value of more than 6400*l.* sterling, according to the prices they might then have been sold for; namely,

1st. 1200 minots, or French bushels, of salt, which were at that time worth 12*s.* and 6*d.* Halifax currency, per minot, which makes the sum of 750*l.* Halifax currency, or 675*l.* sterling.

2^{dly}. 1628 minots, or French bushels, of flour, which at that time might have been sold for half a guinea per minot, making the sum of 814 guineas, or 854*l.* 14*s.* sterling.

And 3^{dly}. Other goods and merchandizes also at that time in his warehouses at Montreal, of the value of 5525*l.* Halifax currency, or 4972*l.* 10*s.* sterling; which, added to the two former sums of 675*l.* and 854*l.* 14*s.* sterling, makes the sum of 6402*l.* 4*s.* sterling.

These goods were, upon his being arrested and imprisoned in September, 1780, in the manner above-related, partly stolen and plundered, for want of his presence to take care of them; (none of his friends daring at that time to exert themselves even in the defence

defense of his property, for fear of becoming obnoxious to the resentment of the Government, and being imprisoned themselves in the same manner as he had been, upon some suspicion, or pretence of a suspicion, of favouring the revolted Americans. So great was the terrour that was then spread throughout the province by the arbitrary and violent proceedings of the Governour; as will appear presently from some letters, or extracts of letters, written at this time by men of the most respectable character in the province.

And the other part of these goods and merchandizes, which were not so plundered, sunk afterwards very much in their value by the importation of great quantities of the like goods into the province, and other such casual events, and were sold from time to time, by publick auction, by his friend *Mr. Du Mas Saint Martin*, of Montreal, and *Mr. L'Evesque* above-mentioned, by *Mr. Du Calvet's* direction, for his use during his imprisonment, and to enable him to make the first payment above-mentioned of 1061*l.* 3*s.* 2½*d.* sterling, to *Mr. Lees* in October, 1780, and to pay *Mr. L'Evesque* some part of what he had advanced for *Mr. Du Calvet* towards paying the second sum of 1061*l.* 3*s.* 2½*d.* sterling, which was paid to *Mr. Davison*, (the partner of *Mr. Lees*.)

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in the spring of the year 1782. And the whole sum arising from the sale of all these goods (after the aforesaid plunder of a part of them) amounted to only 2000*l.* Halifax currency, or 1800*l.* sterling; though, (as has been already observed) the value of them in September, 1780, (before any part of them had been stolen) was above 6400*l.* sterling. So that Mr. Du Calvet's imprisonment occasioned him to lose upon these goods no less a sum than 3600*l.* sterling.

It has been observed that, when Mr. Du Calvet was arrested by Captain Laws in September, 1780, his warehouses were plundered of a considerable part of the merchandizes then contained. This was in part owing to a sudden and violent illness with which Mrs. La Prise, his house-keeper, (who had the care of them,) was seized a few days after the said arrest, and which continued several months.

During this time his servants were under no controul, and did what they pleased in the house, and were encouraged by the servants of other persons in the town of Montreal to be indifferent about the preservation of their master's property, because, as those servants assured them, and as was strongly reported at that time by Mr. Du Calvet's enemies at Montreal, there was no probability

bility that Mr. Du Calvet would ever be permitted to be out of prison again and to take possession of his house.

The damage which Mr. Du Calvet's house and goods visibly suffered in the course of the two or three first months of his imprisonment, excited the indignation and compassion of many of the inhabitants of Montreal ; and some of them, who had occasion to go to Quebec about that time, mentioned the matter, with proper expressions of surprize and sorrow, to their friends at Quebec, and more particularly to Mr. Du Calvet's good friend above-mentioned, Mr. L'Evesque, of Quebec.

Mr. L'Evesque, upon this news, immediately wrote to Mr. Du Mas Saint Martin, of Montreal, (Mr. Du Calvet's best friend there, and who was god-father to his only child) to desire him to interpose for the preservation of Mr. Du Calvet's house and property in the best manner he could, and as speedily as possible.

Mr. Du Mas had hitherto been afraid to take the least step in this business, and had never once set his foot in Mr. Du Calvet's house since his imprisonment, nor even ventured to pay a visit to his friend Mr. Jourdain of Montreal, who lived near Mr.

Du Calvet in that town, for fear of being represented in a bad light to the Governour by the mischief-making spies and informers that abounded in the province, and of being treated himself in the same manner as Mr. Du Calvet. And, when he received this letter from Mr. L'Evesque exhorting him to undertake this friendly office of superintending Mr. Du Calvet's property, he did not dare to engage in it without first obtaining General Haldimand's express permission so to do. He therefore immediately wrote the two following letters, the one to Mr. L'Evesque, and the other to General Haldimand, which he inclosed in the former and left unsealed for Mr. L'Evesque's perusal and opinion; desiring Mr. L'Evesque, in case he approved of the letter, and not otherwise, to seal it, and direct it, and present it to General Haldimand. The Letter to Mr. L'Evesque was as follows:

A Monsieur L'Evesque à Québec.

*Montréal,
le 27 Décembre, 1780.*

Monsieur,

*Monsieur Du Calvet doit être toujours persuadé que je suis son ami. S'il en a douté,
et*

et s'il en doute encore, il ne me rend certainement pas justice. Les circonstances du temps n'ont rien diminué de mon amitié pour lui : elles n'ont fait seulement que nous éloigner, sans nous désunir.

J'ai pensé plus d'une fois à sa triste situation; et je vous dirai que j'ai mis plus d'une fois la main à la plume pour faire une application à son Excellence, et lui exposer le mauvais état où je crois que les affaires de notre ami sont depuis sa détention. Mais j'ai toujours craint qu'une pareille démarche, quoique très juste dans son principe, n'attachât sur moi les yeux des délateurs et de ceux qui trouvent du crime même dans les meilleures actions. Nous n'aimons point qu'on nous épie, et encore moins à y donner le moindre sujet.

La manière avec laquelle vous me parlez, m'enhardit au point que j'ai fait une mauvaise lettre pour son Excellence. Je l'appelle mauvaise par sa diction : car d'ailleurs je crois le motif très louable. Vous en ferez le porteur, si vous l'approuvez. La manière dont elle sera reçue, lèvera tous les obstacles, ou les laissera subsister. S'ils sont levés, pour lors vous me verrez rendre réellement à Monsieur Du Calvet tous les services qu'il doit attendre de mon inclination à l'obliger. Je connois le terrain : il faut l'applanir avant que j'agisse. Si j'avois le plaisir d'être avec
vous

vous un moment, je crois que je vous ferai convenir que ma démarche est tout-à-fait à sa place. Argus avoit cent yeux, et nos ennemis ont mille.

Adieu, jusqu'à votre réponse, que j'attendrai avec impatience, et suis, &c.

Du Mas Saint Martin.

P.S. Faites, je vous prie, mes sincères compliments à notre ami. Si vous jugez à propos de remettre, ou faire remettre, ma lettre à son Excellence, vous aurez la complaisance d'y faire mettre l'adresse, &c.

The letter to General Haldimand, which was inclosed in the foregoing letter to Mr. Du Mas Saint Martin, was as follows.

A son Excellence, le Général Haldimand, Gouverneur en Chef de la province de Québec, &c.

Du 7 Décembre, 1780.

Monsieur,

Un de mes amis, homme d'une probité reconnue, m'engage à prendre connoissance des affaires

affaires de Monsieur Du Calvet, conjointement avec lui. Tout ce qui regarde les malheureux affecte l'humanité. J'ai une raison bien légitime pour empêcher, autant qu'il peut dépendre de moi, la degradation et dépérissement des biens de ce Monsieur. En tenant son fils sur les fonts de baptême, je contractai l'obligation de lui servir de Père, si jamais il en étoit privé. Et, malgré cette solennelle obligation, je n'ai rien fait pour lui; et je me déclare ouvertement, que je ne ferai rien sans l'approbation de vôtre Excellence. Si elle juge à propos de m'honorer d'une réponse, elle doit être persuadée que je ne ferai que ce qu' elle me prescrira.

J'ai l'honneur d'être, &c.

Du Mas Saint Martin.

This letter was delivered to General Haldimand by Mr. L'Evesque: and it produced a good effect. For, though the General did not condescend to answer it, he gave directions to Mr Cramahé, the Lieutenant-Governour, to tell Mr. L'Evesque that he might inform Mr. Du Mas Saint Martin, " that the Governour consented to his undertaking the care of Mr. Du Calvet's property at Montreal." And Mr. Cramahé did, accordingly, give Mr. L'Evesque
this

this intimation by writing to him the following letter.

*A Monsieur L'Evesque, à la Basse
Ville.*

*A Québec,
le 11 Décembre, 1780,
une heure après midi.*

Monsieur,

Monsieur le Général m'a fait écrire dans le moment par le Capitaine Mathews, son Secrétaire, qu'il n'avoit point d'objection, mais plutôt soubaitoit, que Monsieur Du Mas Saint Martin se chargeât des affaires de Monsieur Du Calvet, et a désiré que je vous le fisse sçavoir ; dont je m'acquitte par la présente.

*J'ai l'honneur d'être, avec beaucoup d'estime
et de considération,*

Monsieur,

Vôtre très humble,

et très obéissant Serviteur,

H. T. Cramabé.

After the permission so given by General Haldimand, Mr. Du Mas Saint Martin went to Mr. Du Calvet's house at Montreal, to examine the state of it, in the beginning of January, 1781; and he found every thing in great disorder and confusion, and great part of the furniture of it missing, and Mr. Du Calvet's only child, a boy of about six years old, in a most ragged condition, without shoes or linnen, and in a weak state of health, arising from the hardships he had undergone by being deprived of the accommodations and conveniences which he had been used to while his father had been in the house.

Mr. Du Mas ordered the child to be properly clothed and fed under the direction of Mrs. La Prise, Mr. Du Calvet's house-keeper, and a few months after took him away from the house, and put him under the care of *Madame Du Mouchel*, of Montreal, a worthy and charitable lady of Mr. Du Calvet's acquaintance; and the child continued with her, and was properly attended to, during the whole remainder of Mr. Du Calvet's imprisonment, or till the 2d of May, 1783.

And, to prevent further depredations on the furniture, and goods of every kind, contained in the house, Mr. Du Mas, some

D d

months

months afterwards, that is, about March, 1781, dismissed all the servants, and had the house shut up and fastened in the strongest manner possible. But this care was not sufficient to protect it from further injuries: for it was more than once broke open in the night, notwithstanding the strength of it's fastenings, (the doors and outside shutters being of iron) and robbed of some of the goods contained in it. And no prosecution or discovery was ever made, or attempted to be made, by the magistrates, of the persons who had been guilty of these robberies.

When Mr. Du Calvet returned to his house in May, 1783, he found that, out of ten beds that he had left in it compleatly furnished, when he had been last there, in September, 1780, there was hardly bedding enough left to fit up a bed for himself to lie in, and not a single sheet fit for use, nor a single napkin, or handkerchief, or towell, or shirt, (out of more than thirty dozen he had left there) or pair of stockings fit to wear, or tea-cup, or coffee-cup, fit to use. In short, he had, when he left the house in September, 1780, a stock of household-furniture of every kind, linnen, and cloaths, that was worth at least 1500*l.* Halifax currency, or 1350*l.* sterling; and, when he returned to it in May, 1783, he found this stock so far reduced as to be worth only 150*l.*

Hali-

Halifax currency, or 135/. sterling: so that his loss in this article of household furniture, linnen, and cloaths, (which is quite distinct from the former loss in the goods and merchandizes intended for sale, which have been above mentioned,) amounts to about 1215/. sterling. Of these losses, though not of the precise amount of them, the following certificate (which Mr. Du Calvet procured from several of his neighbours at Montreal) will afford an ample proof.

Nous, sous-signés, déclarons par ces présentes à tous ceux qu'il appartiendra, qu'avant la détention, ou emprisonnement, de Monsieur Pierre Du Calvet, Ecuyer, négociant à Montréal, province de Québec, sa maison étoit très bien garnie en meubles, bardes à son usage et à sa famille, linge, lits garnis, batterie de cuisine, et de tout ce qui est généralement nécessaire dans une ménage. Ce qui, estimé à une juste valeur, formeroit une somme considérable.

Qu' aussitôt sa détention, plus des trois quarts de ces mêmes effets ont disparu, sans pouvoir en avoir aucune connoissance. Ce qui est une augmentation aux pertes immenses que sa ditte détention lui a occasionnées.

A Montréal, le 4 Juillet, 1783.

Signé,

Du Mas Saint Martin,

Caville,

J. Walker,

Gamelin,

Larhigue,

Louïs Boullay,

Samuel Roup,

Jacques Viger,

Joseph Papineau,

Louïs Viger.

While the furniture, and other valuable contents, of Mr. Du Calvet's house were thus plundered and wasted during his imprisonment, and in consequence of it, his house itself, (which was a very valuable one, that he had himself built at the expence of not less than 4500*l.* sterling) was every day losing of its value, partly from the injury it received by the attempts that were made upon it, and partly from the want of the necessary repairs which it would have received at the proper times if Mr. Du Calvet had been living in it. The damages arising to Mr. Du Calvet from these causes have been estimated by skilful workmen (whom Mr. Du Calvet employed to examine and survey the house in July, 1783, after his enlargement from prison) at the sum of 10905 French livres, or about 500*l.*

500*l.* sterling The certificate they have given him upon this subject is as follows.

L'an mille, sept cents, quatre-vingts, trois, le quatorze Juillet, avant midi; à la réquisition de Monsieur Pierre Du Calvet, Ecuyer.

Nous, sous-signés, Antoine Janson, La Palme, et Jean Baptiste Cerate, Entrepreneurs de Maçonnerie;

Pierre Rosa et Amable Perrot, Maîtres Charpentiers;

Raimond Fabre et Pierre Marin, Maîtres Menuisiers;

Touts de la ville et faux-bourgs de Montréal, y demeurant;

Certifions à tous qu'il appartiendra, pour être transportés au domicile de Monsieur Du Calvet, sis en cette ville, près la chapelle Notre Dame de bon Secours, pour y connoître des dégats, dérangements, domimages, ou, plutôt, ruine, faits en tous ses bâtimens durant le long espace de temps que le dit Sieur Du Calvet a été détenu prisonnier d'état à Québec.

Après

Après un mûr examen, la visite exacte de tous les départements de chaque bâtiment, du fond au comble :

Nous disons, au mieux de nôtre connoissance, et suivant, chacun, nos lumieres :

Premièrement, Que le dégât fait à la maçonne, faute de réparation en saison convenable, doit être estimé à la somme de quatre mille, cinq cents, livres, ou shelins anciens, estimation du cours d'à présent, —

Livres
4500

Secondement, Pour ce qui est des charpentes, plafonds, soliveaux, et couvertures en bardeaux; le tout actuellement écroulé : la fourniture des cloux comprise : nous estimons ce dommage à quatre mille, six cents livres, ou shelins, —

4600

Troisièmement, enfin, pour ce qui concerne la menuiserie, les couvertures faites en planches et madriers embouffetés, les planchers, et autres réparations de menuiserie : Nous en évaluons le dommage à la somme de dix-huit cents, cinq livres, ou shelins, —

1805

Domage général

10905

Ce

*Ce que nous, sous-signés, certifions, en nos
ames et consciences, véritable.*

*En foi de quoi nous avons donné ces pré-
sentes pour servir et valoir ce que de raison;
et les avons signées à Montréal les jour et an
susdits, à l'exception du dit Amable Perrot
et du dit Pierre Rosa, qui ont fait leurs
marques ordinaires, déclarant ne sçavoir signer,
réquisition et lecture faite.*

*Antoine Janson,
La Palme,
Baptiste Cerate,*

*Sa
Pierre + Rosa,
Marque.*

*Sa
Amable + Perrot,
Marque.*

*Raimond Fabre,
Pierre Marin.*

But, to return from these damages, arising
to Mr. Du Calvet's property from his long
imprisonment, to the imprisonment itself,
Mr. Du Calvet, finding that all his applica-
tions to General Haldimand for relief from
his unhappy situation, by either bringing him
to a trial; or permitting him to find sureties
for his good behaviour, with bonds of his
own to any amount; or by taking all his goods
and

and merchandizes, and even his landed estates, into the possession of the crown, as a security for his good behaviour, allowing him only a reasonable part of the yearly produce of them for his maintenance; or by permitting him to go England, where it would be out of his power to assist the revolted Americans in any attempt against the province of Quebec, if he had been inclined to do so; or even by sending him to England, as a prisoner, if his Excellency should so think fit;—I say, finding all these proposals rejected, and that there was no appearance of his being released from his imprisonment by the justice, or humanity, of General Haldimand, Mr. Du Calvet resolved to apply for redress to his Majesty's Ministers of State in England, by whom (from all that he had heard of the great regard paid to the preservation of personal liberty in England both by the laws and the practice in pursuance of them,) he thought it was almost impossible that his complaints should not be attended to.

For this purpose he dispatched Mr. Lewis Jussome, a young man of Montreal, (whose sister he had married,) to England in the month of October, 1781, who arrived there in the December following, after being shipwrecked on the coast, and escaping with difficulty to land with only four other persons, out of about fifty, that were on board the vessel

vesſel when it was loſt. Mr. Juſſome went immediately to London, and waited on Lord George Germaine the Secretary of State for America, (now Lord Viſcount Sackville) to acquaint him with the treatment which Mr. Du Calvet had received from General Haldimand, and the endeavours that had been uſed by himſelf and his friends to obtain his liberty; to wit, by deſiring that he might have a trial for any crime that they ſuppoſed he might have been guilty of; or, in caſe that was not judged convenient, by offering to become bound to his Maſteſty in any ſum of money for his good and peaceable behaviour; or by ſurrendering up into the hands of Government his whole property, real as well as perſonal, to answer for his conduct during the remainder of the war, if that ſhould be judged neceſſary; or by any other expedient that Governour Haldimand ſhould think fit, that might be the means of procuring him his liberty, and thereby of preſerving his life, and enabling him to recover, in ſome degree, his broken ſtate of health.

Lord George Germaine, when he heard the ſtory, expreſſed his ſurprize and indignation at it in the ſtrongeſt manner, and ſaid that he would immediately write to General Haldimand upon the ſubject, and ſend him an order either to ſet Mr. Du Calvet at liberty, or bring him to his trial, as the law directs, and that he would likewiſe procure an order

from his Majesty to Mr. Livius, the Chief Justice of the province of Quebeck, (who was then, and is still, in England,) to set out for Quebeck without further delay in the fleet that was to sail for that province in the following spring, 1782.

A few months after this Lord George Germaine quitted his office of Secretary of State for America, and was succeeded in it by Mr. Wellbore Ellis, who gave Mr. Jussome the very same assurances that had been given him by Lord George Germaine, and told him that Mr. Livius, the Chief Justice of the province, had actually received his Majesty's orders to return to the province immediately, and that he would receive particular directions to inquire into the affair of Mr. Du Calvet, and determine it according to law. And Mr. Jussome was assured on the very same day by Mr. Livius himself, that he was then preparing himself to return to Quebeck by the fleet that was soon to sail for that province.

Upon these assurances Mr. Jussome hoped, that his voyage to England on Mr. Du Calvet's account would answer the end for which he had undertaken it, and that Mr. Du Calvet would be set at liberty in the space of a few months, or in the beginning of the summer 1782. And in this hope he returned immediately
to

to Quebeck, where he arrived the last day of May, 1782.

When Mr. Jussome had quitted the province in the preceeding month of October, 1781, to go to England, he had done it openly and regularly, with a licence, or pass-port, duly obtained at the office of the Secretary of the province, in consequence of having procured two persons, in the province, to become his sureties, or bail, to answer any debts that he might owe in the province, according to the ordinances of the province made in that behalf. And this licence, or pass-port, had been, or, at least, ought to have been, registered in the records of the Secretary's office. There was not therefore any room for censure on his said departure from the province. Yet it had given great disgust to General Haldimand, who did not care that any account of his proceedings in the province should find its way to England. Of this disgust he gave a proof in a conversation he had with Mr. L'Evesque, (the member of the Legislative Council,) on the evening of the 23d of January, 1782, in a publick company at his own house, the Castle of Saint Lewis at Quebeck, in which conversation Mr. L'Evesque had made some application to him in favour of Mr. Du Calvet.

The General expressed himself with great bitterness in speaking of Mr. Du Calvet with respect to his law-suit above-mentioned with Mr. Rybot, and the writ of execution then just issued against his goods and lands; and then added these words; "And he has sent
 " his brother-in-law to England. What is
 " he to do there? His going there is an of-
 " fence for which he deserved to be arrested
 " and put in prison: and I could, if I had
 " pleased, have had him arrested;" seeming, by those latter words, to be sorry that he had not done so.

Mr. L' Evesque replied, "That, no doubt,
 " his Excellency might, if he had so pleased,
 " have had Mr. Jussome arrested;—That
 " nothing would have been easier; and that
 " he was persuaded that Mr. Jussome would,
 " of his own accord, have surrendered him-
 " self, and gone into any prison his Excel-
 " lency should have appointed for him, upon
 " the least intimation of his Excellency's
 " pleasure to that effect: but that it was
 " also to be observed that (as his Excellency
 " had not thought fit to stop him,) he had
 " quitted the province in the most publick
 " and regular manner, with a licence or pass-
 " port, from the office of the Secretary of
 " the province, after giving the securities re-
 " quired by the ordinance made on that sub-
 " ject; and that Mr. Du Calvet had sent over
 " by

“ by him the papers and documents relating
 “ to his law-suit with Messieurs Watson and
 “ Rashleigh, which was carried by appeal
 “ before the King in Council.”

But General Haldimand was not satisfied with this account of the purpose of Mr. Jussome's voyage to England, but supposed, and with reason, that one great object of it must be to lay before the King's Ministers of State in England the treatment Mr. Du Calvet had received. And this disgust and resentment against Jussome for undertaking this voyage, continued till Jussome's return into the province in the latter end of May, 1782. For, though it is never customary, when a person who has quitted the province with a pass-port, returns into it, to require him to produce the pass-port by the authority of which he had gone out of it, (the whole object of the law which makes a pass-port necessary to a departure from the province, being then fulfilled, which is only to cause him to be amenable to the laws of the province by himself, or his sureties, so far as to be liable to pay all the debts he may owe to other inhabitants of it,) yet, when Mr. Jussome returned into the province on the last day of May, 1782, after his voyage to England above-mentioned, and went on the 3d of June to the Castle of Saint Lewis, the Governour's place of residence, to pay his respects to General Haldimand, and
 receive

receive any commands he might have for Montreal, the General refused to see him, but sent out Monsieur Genevay (a Swiss gentleman, that is one of his Secretaries,) to him, with orders to require him to produce the pass-port, by the authority of which he had gone out of the province. Mr. Jussome (though he did not expect to be asked to produce his pass-port, which, as has been observed, was not usual,) yet was fortunate enough to have it about him in his letter-case, and immediately produced it to Mr. Genevay, who took it and carried it in to General Haldimand, and then came back and returned it to Mr. Jussome, and said these words to him; "*Vous êtes heureux d'avoir votre passe-port;*" that is, "You are very fortunate to have been able thus to produce your pass-port;" intimating, (as Mr. Jussome understood him) that, if he had not produced his pass-port, he would that instant have been sent to prison.

It is probable that, as it was known that Mr. Jussome had been ship-wrecked on the coast of England in his passage thither from Quebec, General Haldimand might suppose that he had lost his papers on that melancholy occasion, and his pass-port among the rest. And in truth that accident had happened for a time; the port-manteau, in which his papers were, having fallen into the sea. But
it

it was afterwards drawn up by a fisherman in his net from the bottom of the sea in shallow water near the shore, beyond his hopes or expectations. And to this very lucky circumstance he owed his escape from being imprisoned, upon the occasion above-mentioned on the 3d of June, 1782.

In the following month of July, 1782, Mr. Jussome presented the following petition to General Haldimand in behalf of his unhappy relation Mr. Du Calvet, desiring for him, what had so often been desired before, to wit, "that he should be either brought to a trial, or set at liberty, at least upon bail, or permitted to go to England," and mentioned the assurances of this kind he had received from his Majesty's ministers in England.

Province de Québec.

Réquête de Louïs Jussome à son Excellence le Général Frédéric Haldimand, Gouverneur en Chef de cette province, &c. &c.

Supplie humblement Louïs Jussome,

Qu'il plaise à vôtre Excellence permettre à lui, suppliant, de mettre sous ses yeux la situation

ation critique de Pierre Du Calvet, Ecuyer,
un des notables citoyens de cette province.

Lors de sa détention occasionnée par la jalousie de ses ennemis, et non par des causes auxquelles le dit Sieur Du Calvet auroit donné lieu, le prisonnier fit les démarches qu'il crut nécessaires pour obtenir de vôtre Excellence son élargissement sous cautionnement, en lui donnant communication de la cause pour laquelle il étoit constitué et détenu prisonnier.

Toutes ces démarches étant infructueuses, le prisonnier se décida à faire partir lui, représentant, pour Londres, pour obtenir un jugement en cette province, ou un élargissement sous cautionnement.

La représentant, à son arrivée à Londres, obtint une audience de my Lord Georges Germaine ; qui, sur le détail que fit le représentant de la cause de son voyage, marqua une très grande surprise du déni de justice. Sa Seigneurie dit alors qu'il écriroit à vôtre Excellence à ce sujet, et que ordre seroit immédiatement donné à l'honorable Juge Livius pour partir dans la flotte pour cette province.

Monfieur Ellis remplaça sa seigneurie en qualité de Secrétaire d'Etat. Le représentant eut plusieurs entretiens avec son bonneur ; qui, après s'être informé de toutes les circonstances de

de l'emprisonnement du Sieur Du Calvet, fit la même réponse qu'avoit fait sa Seigneurie. Le 16 Mars son bonneur ré-itéra à lui, représentant, que le Juge Livius étoit ordonné de partir avec la flotte, et qu'il seroit muni d'ordre positif pour connoître de la détention du Sieur Du Calvet. Le même jour lui, représentant, eut l'honneur de voir Monsieur Livius, qui lui dit positivement qu'il se préparoit à partir par la flotte.

Le Représentant, sur d'assurances aussi peu équivoques, n'hésita pas de se rendre en cette province, se flattant d'avoir rempli l'objet de sa mission au désir de son constituant.

Le changement de ministère paroît avoir altéré les dispositions antérieures, puisque le Juge Livius n'est point en cette province, et qu'il est clair qu'il n'y viendra pas ; puisqu'en outre il ne paroît pas que vôtre Excellence ait reçu aucun avis au sujet du Sieur Du Calvet.

Il ne paroît pas non-plus que les actuels Secrétaires d'Etat soient informés de la détention du dit Sieur Du Calvet. Il n'est pas douteux qu'ils ne pouvoient point deviner ce qui ne leur a pas été représenté. Car il est bien assuré que my Lord Shelburne (de qui le dit Sieur Du Calvet a l'honneur d'être connu) si sa seigneurie avoit sçu le triste état où il étoit détenu prisonnier, auroit certainement écrit à son Excellence

à son sujet, ou il auroit fait partir le dit Juge Lavius. Car la justice et l'humanité de sa Seigneurie est des plus connues, ainsi que celle de l'honorable Monsieur Fox dans la classe des gens de bien et des personnes les plus respectables de l'état.

D'un si long retardement le prisonnier souffre en sa personne par le dérangement total de sa santé, occasionné par la perte de sa liberté et le chagrin de sçavoir sa famille abandonnée ; et dans sa fortune, ses biens étant en ruines par son absence : Objets, que le Représentant supplie son Excellence de prendre en considération. La perte de la liberté intéresse l'humanité entière ; celle des biens l'équité.

D'après le détail cy-dessus le Représentant conclut, tant en son nom qu'au nom de Pierre Du Calvet, à ce qu'il plaise à votre Excellence ordonner, Que, pourque le prisonnier susdit puisse parvenir à se justifier, la cause de sa détention lui soit communiquée par la remise de copie du warrant de committement ; — Qu'en conséquence un jour sera fixé, au quel les chefs de l'accusation et les accusateurs (si aucuns y a,) seront produits pardevant les honorables Commissaires faisant les fonctions du Juge en Chef en son absence, pour le procès être instruit en conformité des Lois Anglicanes,

Dans

Dans le cas qu'il ne plût pas à vôtre Excellence accorder à lui, représentant tant en son nom qu'au nom du dit Sieur Pierre Du Calvet, les conclusions cy-dessus ; le représentant, tant en son nom qu'au nom du dit Sieur Pierre Du Calvet, conclud, à ce qu'il plaise à vôtre Excellence ordonner l'élargissement du dit Sieur Du Calvet sous tel cautionnement que son Excellence trouvera convenable pour le bien du service de sa Majesté.

Et aussi dans le cas où il ne plairoit à vôtre Excellence accorder une ou aucune des conclusions prises cy-dessus ; le Représentant, tant en son nom qu'au nom du dit Sieur Pierre Du Calvet, conclud, à ce qu'il plaise à vôtre Excellence accorder au dit Sieur Du Calvet sous un cautionnement quelconque, la liberté de partir pour l'Angleterre dans tel bâtiment qu'il plaira à vôtre Excellence, et même en qualité de prisonnier, si vôtre Excellence le juge à propos.

Le Représentant espère, qu'il plaira à vôtre Excellence considérer ses très humbles représentations sous un point de vue favorable. Un allié, cher par son alliance, par ses moeurs, devient encore plus intéressant, quand il est en proie à la malice de ses ennemis. Un étranger regarde d'un oeil humide une aussi triste situation ; — un citoyen à deux doigts de sa perte ; — une fortune brillante, dont à

*peine on apperçoit à présent quelques débris ;
— une famille errante. Le Représentant ne
peut donc souffrir ce spectacle d'un oeil sec,
ni rester dans l'inaction. Il espère qu'il plaira
à votre Excellence, et supplie qu'il lui plaise
accorder à lui, représentant, une des conclu-
sions prises dans sa très humble représen-
tation.*

De votre Excellence

Le très humble,

et très obéissant serviteur,

Signé, Louis Jussomme.

*A Québec,
le 27 Juillet, 1782.*

To this petition General Haldimand returned no answer, though Mr. Jussome waited upon him several times to know his Excellency's pleasure concerning it, and was as often told by his Secretaries (for he was not admitted to the General,) that no answer would be given to it. Yet Captain Hamilton, the new Lieutenant-Governour, and Major-General Clark, as well as Mr. Alsop (one of the members of the Legislative Council of the province,) and many other persons of note
in

in the province, to whom Mr. Jussome shewed an exact copy of the said petition, after he had presented it to the Governour, all told him they thought it a most reasonable petition, and that it was hardly possible for General Haldimand to refuse to adopt one of the three proposals made in it, of bringing Mr. Du Calvet to a trial, or setting him at liberty upon bail, or sending him a prisoner to England. So that this Swiss General (whom his Majesty had appointed to the very important civil employment of * Governour of the province of Quebec,) by rejecting these proposals, and continuing to keep Mr. Du Calvet in prison in the province, carried his ideas of *military authority, and Government by will and pleasure*, instead of law, beyond even those other gentlemen of the same profession, who were born subjects of the British Crown.

When Mr. Du Calvet saw that this very reasonable petition made no impression on General Haldimand, and yet was generally approved by every other person who had seen it, he resolved once more to have recourse to his Majesty's ministers of state in England, and, for that purpose, to send his brother-in-law, Mr. Jussome, again to England.

Mr.

* Quære, Whether the appointment of a foreigner to this important civil office is not contrary to the following clause

Mr. Justice accordingly prepared to return thither without delay: but General Hal-
dimand,

clause of the famous Act of Settlement, 12 and 13 of Will. iii. cap. 2. by which the Crown of England was settled on the Princess Sophia, Electress and Dutches Dowager of Hanover, and the heirs of her body, being Protestants; to wit, "That after the said limitation [of
"the crown] shall take effect, No person born out of the
"kingdoms of England, Scotland, and Ireland, or the
"dominions thereunto belonging, (although he be natu-
"ralized or made a denizen) except such as are born of
"English parents, shall be capable to be of the Privy
"Council, or a member of either house of Parliament,
"or to enjoy any office, or place of trust, either civil or
"military, or to have any grant of lands, tenements, or
"hereditaments from the crown, to himself, or to any
"other, or others, in trust for him."

The Stat. 29 Geo ii. cap. 5. for enabling the King to raise a regiment consisting of four battalions of one thousand men each, to serve in America, (which regiment was accordingly raised, and called *The Royal American Regiment*) impowers his Majesty to give commissions to foreign protestants, *to be officers in that regiment, or to be engineers in America*, but not to be governors of provinces, or civil officers of any kind.

If it should be said, that the above clause in the Act of Settlement relates only to offices in England and Ireland, though the words of the clause are general, it may be observed, in answer to this remark, that, if that had been understood to be the case in the year 1756, when the above-mentioned statute of 29 Geo. ii. cap. 5. was passed, there would have been no occasion to pass that act of parliament to enable the king to give foreign protestants commissions to be officers in that regiment, (which was to serve only in America) and to be engineers in America.

dimand, hearing of his design, determined to prevent it, and for that purpose ordered the Secretary of the province to refuse him a licence, or pass-port. He nevertheless, by a mistake, or the forgetfulness, of a clerk of the secretary's office, (for which the secretary received a reprimand from General Haldimand,) did obtain one, and set sail for England on the 29th of August, 1782; but, in his passage, was taken prisoner by the French, and carried to *Nantes* in Britany, from whence he afterwards, in the spring of the year, 1783, (when the preliminaries of peace had been signed between France and Great-Britain, and the prisoners on both sides were released,) came over to England, at the end of the month of April, and made a new application to his Majesty's ministers of state in favour of Mr. Du Calvet, Lord North being at that time Secretary of State for the home-department, to which the affairs of America belonged.

But in the mean time a gleam of hope of recovering his liberty more speedily induced Mr. Du Calvet to make an attempt for that purpose of a different kind from any he had hitherto relied on, by applying himself to the Court of King's Bench in the province for legal relief by virtue of the English writ of *Habeas Corpus*,

It

It will here be natural to ask, why he did not take this method of attempting to recover his liberty in the beginning of his imprisonment, instead of waiting two years before he had recourse to it; or why, if it was likely to prove ineffectual at the former period, he should hope that it would prove successful at the latter. These questions it will be necessary to answer; and the answers to them are as follows.

In the beginning of Mr. Du Calvet's imprisonment many other persons in the province besides himself, (he believes not less than fifteen) were imprisoned in the same manner by the Governour by arbitrary, or military, power. One of these was Mr. Charles Hay, of Quebeck, a person in trade. He had been arrested about half a year before Mr. Du Calvet, that is, in the spring of the year, 1780, and confined in the military prison at Quebeck, where Mr. Du Calvet was afterwards confined from November the 14th, 1780, to December the 13th, of the same year. And the occasion of his confinement was said to be some suspicion, or pretended suspicion, of corresponding with the revolted Americans.

This Mr. Hay applied in November, 1780, to the Court of King's Bench in the province, then held before Mr. Adam Mabane, the
Judge

Judge of the Court of Common-Pleas, at Quebec, above-mentioned, Mr. Thomas Dunn, a member of the Legislative Council, and Mr. Jenkins Williams, a lawyer, and register of the council of the province, who were jointly appointed Commissioners for exercising the office of Chief Justice of the province in the absence of Mr. Livius. But the Court would hardly listen to the application, and told Mr. Hay's lawyer, that the English law of *Habeas Corpus* was not in force in that province, and that the court could not grant any relief to persons imprisoned by order of the Governour.

This refusal of the Court of King's Bench to protect the subjects of the crown against arbitrary imprisonment, together with the repeated declarations of General Haldimand, himself, and of the persons most in his company and confidence, "that he would not permit any of his prisoners to be brought to their trials, or set at liberty, by the orders of the Courts of Justice, notwithstanding the laws of England might so direct," discouraged Mr. Du Calvet and his friends from applying to the Court of King's Bench for his *Habeas Corpus* during the greater part of his imprisonment, and drove him to the other methods of seeking relief, which have been above mentioned.

But at last, in November, 1782, a conversation of General Haldimand with a gentleman of distinction in the province, was reported to him, which, both in his own opinion and that of his friends, and of many other gentlemen in the province, afforded a reasonable ground to hope that the General would no longer impede, or be displeased with, any application which Mr. Du Calvet might make to the Court of King's Bench for relief, and that the Judges of that Court, knowing this change of inclination in the Governour, would not now declare that the *Habeas Corpus* was not in force in Canada, though they had done so two years before in the case of Mr. Charles Hay.

This conversation had happened at the Governour's house, at Saint Lewis's Castle, on the 19th of November, 1782, in consequence of a letter which Mr. Du Calvet had just then written to Mr. Prenties, the Provost-Martial of the army, (under whose care and super-intendance, Mr. Du Calvet, and all the other prisoners that were detained in prison by military authority, were placed,) to press him to intercede with General Haldimand to give orders, not that he should be set at liberty, but that he should be put into another and more convenient and wholesome apartment in the Recollet's Convent, than that in which he had hitherto been kept, and should be less
liable

liable to be plagued and tormented by the insults of father Berré, the Commissary, or Superiour, of the said convent above-mentioned.

This letter Mr. Prenties shewed to General Haldimand on the 19th of November, 1782; and General Haldimand shewed it to Major Henry Caldwell, who happened to be at the Castle of Saint Lewis, to pay his respects to the Governour, soon after Mr. Prenties had delivered him the letter.

This Major Caldwell is an Irish gentleman of good family, who has purchased the large Seigniorship of Point Levy, near Quebec, on the opposite, or south, side of the river Saint Lawrence, which formerly belonged to General Murray; and he is likewise a member of the Legislative Council of the province. General Haldimand expressed upon this occasion an inclination that Mr. Du Calvet should be set at liberty after his long confinement, and that some decent method might be fallen upon to bring it about, without hurting his (General Haldimand's) honour.

Major Caldwell, upon hearing the General express himself in this manner, was glad to seize an opportunity, as he thought, of enabling Mr. Du Calvet to procure his liberty. For (though he had no acquaintance with

Mr. Du Calvet,) he pitied his unhappy situation, and thought the treatment he had met with very cruel and unjust. As soon, therefore, as he had finished his visit to General Haldimand, he went to Mr. L'Evesque, (Mr. Du Calvet's known and good friend,) and related to him what General Haldimand had said. He told him also "that the General
 " had resolved to set at liberty Mr. Jautard,
 " the French lawyer at Montreal, (whom
 " he had kept in prison by military authority
 " ever since the spring of the year, 1779,) and other prisoners whom he named." And he added, "that Mr. Charles Hay had been
 " lately advised to make another application
 " to the Court of King's Bench for a *Habeas*
 " *Corpus*, and to be either brought to a trial,
 " or released by their authority, according to
 " law; and that he had accordingly made
 " such an application to the court, which was
 " then sitting; and that the court had begun
 " to take his case into consideration; and that
 " his friends were in hopes he would thereby
 " obtain his liberty." From all which he concluded, "that Mr. L'Evesque would do
 " well to go directly to Mr. Du Calvet, and
 " persuade him to make the same application to the Court of King's Bench, without loss of time, before the session of that
 " court was over, which was then drawing
 " towards an end: for that he really believed
 " General Haldimand would not now hinder
 " the

“ the Judges of it, (as he had done till then,)
 “ from taking the cases of the persons that
 “ were in prison into their consideration, and
 “ setting them at liberty upon bail, or other-
 “ wise, according to law.”

This information and advice of Major Caldwell appeared to Mr. L'Evesque of so much importance to his friend, Mr. Du Calvet's situation, that he immediately went to the Recollets' Convent, to tell him of it, and consult with him upon it. And the result was, that they both agreed that Mr. Du Calvet should employ Mr. Russell, his lawyer at Quebec, to apply to the Court of King's Bench, as soon as possible, in Mr. Du Calvet's behalf, for a writ of *Habeas Corpus* to bring him before the Judges, to be dealt with as the law directs. This being resolved on, Mr. L'Evesque went to Mr. Russell, to acquaint him with Mr. Du Calvet's desire, and to tell him that Mr. Du Calvet would be glad to see him in his confinement, and speak with him upon the subject. Upon which Mr. Russell repaired to the Recollets' Convent, and, (by the leave of Mr. Prenties, the Provost-Marshal,) was admitted to Mr. Du Calvet, and took his directions upon the subject.

Mr. Russell consented to make the proposed application to the King's Bench, and resolved

solved to exert his best abilities in doing justice to so important a cause; but not without taking some precautions for his own safety, which here in England will be thought very strange and unnecessary. He was afraid, if he moved the court at once for a writ of *Habeas Corpus* to Mr. Prenties, the Provost-Marshal, to bring up the body of Mr. Du Calvet before them, together with the cause of his being detained in prison, for the court to deal with him as the law directs, (which is the course which a lawyer here in England would have taken in a like case, without the smallest uneasiness or apprehension,) he was afraid, I say, if he had acted in that plain and downright manner, that he should not only have been immediately silenced by the court, but even expelled from the profession of a barrister at law, or prohibited by the Governour from following that profession any more. For instances of the like treatment, of lawyers who had been obnoxious to the Governours, had been seen in the province. In order, therefore, to avoid these misfortunes, and acquire a previous permission from the Judges, to do his duty in this business in behalf of Mr. Du Calvet, he first presented to the court a short petition from Mr. Du Calvet (and which was drawn up by Mr. Du Calvet himself,) desiring the court to permit him to bring before them the hard case of his long imprisonment, and to employ

Mr.

Mr. Russell, as his lawyer, to speak before them in support of it; and desiring them likewise to oblige the said Mr. Russell, before he entered upon the business, to take an oath before them that he would discharge his duty to his client, Mr. Du Calvet, on this occasion faithfully and uprightly, and to the best of his abilities.

This was a very singular step; but it was thought necessary to Mr. Russell's safety, and it was accordingly taken. And the court complied with the requests contained in the petition, and gave Mr. Russell leave to make the proposed motion for Mr. Du Calvet, and gave orders that he should be sworn in the manner just now mentioned: which was done accordingly. And then, at last, having thus previously obtained the sanction of the court to his conduct, he, on the 21st of November, 1782, presented a memorial to them in the name of Mr. Du Calvet, praying a writ of *Habeas Corpus* to bring him into court, to be there dealt with according to law, and then opened the matter very fully and freely in the presence of a very crowded audience, who listened to him with great pleasure and attention; and set forth in a very able manner the several acts of parliament, and other great authorities of the law of England, upon which Mr. Du Calvet's claim of being either brought to his trial, or set at liberty, at least upon giving

giving ample bail, was groundless. And this he did, (as Mr. Du Calvet has been informed) with so much spirit, ability, and strength of argument, and at the same time related in so just and forcible a manner the several circumstances of unnecessary severity that had attended Mr. Du Calvet's imprisonment, and the various petitions he had presented, and offers he had made, to General Haldimand at different times, in order to obtain his liberty, that the whole audience were struck with compassion at his misfortunes, and with indignation at the injustice with which he had been treated, and were convinced that he was clearly intitled, according to the laws of England, to the relief which his counsel prayed for him.

The Judges, however, did not give him this relief, but took six days time to consider of what they should do; and on the sixth day after, (which was the 27th of November, 1782,) Mr. Jenkins Williams pronounced, in the name of all the three Judges, their final Judgment upon the matter, which was a refusal of the writ of *Habeas Corpus*, and a dismissal of Mr. Du Calvet's memorial that demanded it; Mr. Williams declaring plainly and publickly, "that since the establishment of the French laws in the province *in all matters of property and civil rights* by the act of parliament

“ liament passed in the year, 1774, for regul-
 “ lating the government of Quebeck, the
 “ English laws, concerning the writ of *Habeas*
 “ *Corpus*, were not in force in the province
 “ with respect to such persons as were
 “ imprisoned by the order of the Gover-
 “ nour.”

The Record of this important proceeding
 in the Supreme Court, or Court of King's
 Bench, in the province, was as follows,

In the Court of King's Bench, province of Quebeck,

To the Honourable Adam Mabane, Thomas
 Dunn, and Jenkins Williams, Esquires,
 his Majesty's Commissioners for executing
 the office of Chief Justice, in and for the
 province of Quebeck.

The Memorial of Pierre Du Calvet,
 late of Montreal, Esquire,

Humbly sheweth,

THAT your memorialist, on the 27th
 day of September, in the year one thou-
 sand, seven hundred, and eighty, was arrested
 upon the publick high-way, between *Three*
Rivers and *Pointe du Lac*, by Captain George
 H h Laws,

Laws, of the eighty fourth regiment, accompanied by another officer.

That he was brought to Quebeck, under a guard, and put on board his Majesty's armed ship, *the Canceaux*, then in the river Saint Lawrence; afterwards was put amongst a number of other prisoners, and finally shut up in an apartment at the Recollets, where he remains in close confinement in the greatest distress, in the custody of a Mr. Miles Prenties, (who styles himself keeper of the *prévôt*,) without being able to procure a copy of the warrant of his commitment, or to know the cause of his caption and detention, though he has made frequent application for that purpose.

That yesterday, the twentieth instant, your memorialist made two other applications to the said Miles Prenties for a copy of the warrant of his caption and detention; but was absolutely refused; as in and by the annexed affidavit may fully, and at large, appear.

That your memorialist is informed that the caption and detention aforesaid, and the refusal of a copy of the warrant of commitment, are altogether illegal.

And therefore he humbly prays that your Honours will be pleased to award his Majesty's

sty's remedial writ of *Habeas Corpus ad Subjiciendum* returnable *immediaté*, directed to the said Miles Prenties, commanding him to produce, in this honourable court, your memorialist's body, with the day and cause of his caption and detention, *ad faciendum, subjiciendum, et recipiendum*, to do, submit to, and receive, whatsoever this honourable court shall consider in that behalf.

And that your honours will there-upon be pleased to discharge your memorialist, or, in case that his accusers appear against him, that he may be tried, or admitted to bail, or that he may be otherwise dealt with according to law,

Signed, Robert Russell,
Barrister at Law.

Nov. the 21st, 1782.
Quebeck.

Court of King's Bench; province of Quebeck.

Personally appeared Mr. Jacques Le Moine, and Mr. Thomas Davidson, of Quebeck, gentlemen, and made oath on the Holy Evangelists, that yesterday, the twentieth instant, between the hours of two and three of the clock in the afternoon, these deponents, in company with each other,

H h 2

waited

waited upon Miles Prenties of Quebeck, keeper of the Prévôt, at his dwelling-house in Palace Street, and then and there demanded of him a copy of the warrant of the commitment and detention of Pierre Du Calvet, Esquire, now a prisoner at the Recollets; which he, the said Miles Prenties, absolutely refused to deliver.

That afterwards, to wit, on the same day, and between the hours of eight and nine of the clock at night, these deponents repeated the same demand on the said Miles Prenties; but to no purpose; being refused, as above.

And the said deponent, Jacques Le Moine, for himself further saith, that the said Pierre Du Calvet, Esquire, has been for a long time past, and is now, shut up in an apartment at the Recollets under the guard of a centinel at the door, (which opens to the said apartment,) with a screw'd bayonet. And further these deponents say not.

Signed, Jacques Le Moine,
Thomas Davidson.

Sworn in Court,
this 21st day of Nov. 1782.

Signed, Thomas Dunn.

Court

Court of King's Bench, Wednesday, Nov.
the 27th, 1782.

The King against Peter Du Calvet, Esq.

The court, having maturely deliberated upon the memorial of Peter Du Calvet, and the arguments offered by his Counsel in support of the motion, made upon that memorial for a writ of *Habeas Corpus*, are of opinion, "that nothing be taken by the said motion, and that the memorial be dismissed."

By the Court.

Signed, David Lynd,
Acting Clerk of the Crown.

Quebeck, Jan. the 10th, 1783.

I do hereby certify, to all whom it doth, or may, concern, that this and the three preceding pages do contain a true and faithful copy of the memorial of Peter Du Calvet, the deposition of Jacques Le Moine, and Thomas Davidson, relative to a writ of *Habeas Corpus*, and of the order of Court made thereon.

David Lynd,
Acting Clerk of the Crown.

This

This decision gave great pleasure to General Haldimand, who saw his power placed by it above the law; and it gave equal pain to almost every other person in the province, except the General's immediate creatures and dependants. For it discovered to all the inhabitants of the province, "that they were slaves to the Governour's will and pleasure, instead of being only subject to the law;" a discovery that was equally disagreeable to the English and the Canadian, or French, inhabitants of the province.

And on the very next day after this decision, General Haldimand testified his satisfaction with Mr. Williams, the Commissioner of the King's Bench, for pronouncing it, by creating a new office in the province for his sake. For he made him immediately his Majesty's Solicitor-General for that province, with a salary of 200*l.* sterling, a year.

It will be natural for the readers of this narrative to expect in this place an account of the reasons alledged by Mr. Williams in support of this remarkable decision: and Mr. Du Calvet would be glad to state them, in justice to the characters of Mr. Williams and the other two Judges, if he was possessed of a written account of them. But this he has never been able to procure; Mr. Russell, his lawyer, (who had served him with so much spirit

spirit and ability on this occasion,) not having dared to give him such an account, for fear of incurring the displeasure of the Judges, who were unwilling that a copy of these reasons should be made out. He apprehended that, if he had taken a note in writing of these reasons, and communicated it to Mr. Du Calvet, against the inclination of the Judges, he might very probably be prohibited by them, or by the Governour, from ever again appearing in the courts of justice in the province, in the character of a Barrister at Law.

Though the decision of the Judges of the Court of King's Bench upon this application of Mr. Du Calvet for a writ of *Habeas Corpus* was so pleasing to General Haldimand, yet the application itself was not at all so. On the contrary, it gave him great offence; more especially when he perceived what a deep and general impression Mr. Russell's able speech on the occasion had made on the numerous and respectable audience that heard it, and, through them, on the other inhabitants of the town and province; who all seemed to be convinced by it of the legality and reasonableness of Mr. Du Calvet's demand; "of being either brought to a trial, or set at liberty," and also to be shocked at the full relation they had heard of the circumstances

stances of unnecessary severity with which he had been treated.

The mortification which the Governour felt from this effect of the application to the court, was but imperfectly compensated by the satisfaction which he received from the decision of the court in rejecting it. And his ill-humour upon the occasion was so great, that he determined to keep some of his state-prisoners still in prison, whom he had just before intended to set at liberty ; as was reported on the 27th day of November, 1782, (the day on which the Judges gave their decision upon Mr. Du Calvet's application to them,) to the Recollet Monks, at Quebeck, (in whose convent Mr. Du Calvet was confined) by Monsieur Baby, a member of the Legislative Council, that has been already mentioned in this narrative, and who was much in the Governour's confidence.

This Monsieur Baby told those Monks,
 “ that he was certain that the Judges would
 “ on every occasion support the Governour in
 “ his power of imprisoning people at his pleasure, and that none of the prisoners would
 “ obtain their liberty by such applications ;
 “ and that, on the contrary, these applications would prove the means of retarding
 “ the release of the persons who made
 “ them, by provoking the Governour against
 “ them ;

“ them;—that, as a proof of this, he could
 “ mention the case of Mr. Jautard, the law-
 “ yer of Montreal, for whose enlargement he,
 “ Monsieur Baby, had himself solicited his
 “ Excellency, and obtained from him a pro-
 “ mise of Jautard’s liberty; but that now, since
 “ Mr. Du Calvet’s application to the Court
 “ of King’s Bench for relief, he had altered
 “ his mind; and would not set Mr. Jautard
 “ at liberty;—and that he now would not
 “ hear any thing about setting any of the
 “ prisoners at liberty, and is angry when any
 “ body talks to him upon the subject; say-
 “ ing, that they are all better treated and
 “ happier than they deserve to be, and that
 “ he alone has a right to determine whether
 “ they shall still continue in prison, or be set
 “ at liberty; and that he will do in that mat-
 “ ter just what he shall please: And that
 “ he had spoke of Mr. Du Calvet, and had
 “ mentioned a letter which he had received
 “ from him, in which Mr. Du Calvet com-
 “ plained of the chamber in which he was
 “ confined, and desired to be removed into a
 “ better room; and that his Excellency had
 “ then said that he would not comply with
 “ this request of Mr. Du Calvet, but leave
 “ him where he was, thinking that he was
 “ as well accommodated there as he ought to
 “ be; and that he had confined him in the
 “ Rocollet’s convent for the sake of hum-
 “ bling

“bling him and mortifying him; *pour le*
“réduire.”

Such was the conversation which Monsieur Baby held on the 27th of November, 1782, with the Recollet Monks at Quebeck, or rather with Father *Berré*, their Superiour, or Commissary, with whom he was well acquainted, by having seen him very often at the Castle of St. Lewis, not only at the Governour's publick levees but in his private parties, the said commissary being one of his Excellency's creatures and favourites. And, as there was nothing in this conversation that was thought to require secrecy, Monsieur Baby held it openly with Father *Berré* in the presence of his monks, and even of the lay-brothers, or servants, of the monastery; two of whom, whose names were Bernardine and Alexis, went immediately after into Mr. Du Calvet's chamber, and related it to him with an air of great joy and triumph over him, Bernardine telling him, “That the
 “Governour would not comply with his
 “request of being removed into another
 “chamber, but would leave him where he
 “was, in spite of all his complaints;” and then adding, “That he was only too
 “happy in being put under their care and
 “power, and that they would treat him just
 “as they thought fit, or as their commissary,
 “Father *Berré*, should order them.”

Ac-

Accordingly, Mr. Du Calvet continued in exactly the same situation for near another month, or till the 21st of December, 1782, when, after a number of other petitions to the Governour in order to obtain this favour, some soldiers were employed to remove his bed into the next adjoining chamber. And in this chamber he continued during the remainder of his imprisonment, which lasted till the 2d of May, 1783.

We have just now seen, that the application of Mr. Du Calvet to the Court of King's Bench in the province for a writ of *Habeas Corpus* gave General Haldimand great offence; and yet it was observed a little before, that this application took its rise from the opinion which Major Caldwell had entertained (in consequence of some favourable expressions of General Haldimand towards Mr. Du Calvet in a conversation with Mr. Caldwell) that the General would not be sorry to see it made. These things seem somewhat inconsistent: nor does Mr. Du Calvet know how to explain, or reconcile them, otherwise than by supposing, that, if the General really did wish to see such an application made to the Court of King's Bench (as Major Caldwell thought he did, but did not absolutely hear him say so) he must have meant that it should be asked of the court as a matter of mere grace and fa-

your, to be obtained of himself by the mediation, or intercession, of the court, and not as a claim of right, which could not justly or legally be refused him. For the General has always shewn a dislike to claims of this sort, and maintained that his power was superiour to the fetters of the law.

Mr. Du Calvet's imprisonment ended at last on the 2d of May, 1783, in the following manner. At about eleven o'clock in the forenoon of that day, Mr. Prenties, the Provost-martial, came to him by the order of General Haldimand, and informed him, "that he was no longer a prisoner, but "might leave his place of confinement "when he pleased;" and at the same time removed the centinel from his door. Mr. Du Calvet then desired Mr. Prenties to give him a copy of the warrant, or order, by the authority of which he had kept him so long in prison; but could not obtain it. He then went away from his place of confinement in a very weak state of health to the publick house at Quebeck kept by Mr. Le Moine, and spent a week there to endeavour to recover strength enough to return to his house at Montreal; for which place he set out on the 9th of May, and arrived there on the 12th.

His

His long imprifonment in a nafty and un-wholefome place, and the uneafinefs of mind that had accompanied it, had greatly injured his health, and brought on a continual flow fever; which obliged him to have recourfe to a Mr. *Larbigue*, an eminent Surgeon at Montreal, for his advice and affiftance to remove it. This gentleman attended him, and put him under a courfe of medicines for that purpofe, which continued from the 13th day of May, 1783, (the day after his arrival at Montreal) to the end of June.

The weak condition in which he found him is expreffed in the following certificate, which he gave Mr. Du Calvet on the 4th of the following month of July.

Je, fous-figné, certifie à tous ceux à qui il appartiendra, avoir été appelé auffitôt l'arrivée de Monsieur Pierre Du Calvet en cette ville, fortant des prifons de Québec : et déclare l'avoir foigné et médicamenté depuis le treize de Mai dernier jufqu' à la fin de Juin, auffi dernier; ayant un épuisement confidérable occafionné par une fièvre interne, qui le confumoit, et qui provenoit de la privation de l'air et de fa longue captivité.

En

En foi de quoi j'ai signé le présent pour servir et valoir à telle fin que de raison, à Montréal le 4 Juillet, 1783.

Signé, Larthigue.

Nous, Commissaires de Paix, Ecuyers, du district de Montréal, certifions, Que le Sieur Larthigue, qui a signé le présent certificat, est Chirurgien, et que foi doit être ajoutée à tout ce qu'il signe en cette qualité. A Montréal, le 4 Août, 1783.

*Signé, Pierre Forestier,
Commissaire de Paix.*

By the care of this Mr. Larthigue Mr. Du Calvet was cured of the slow fever mentioned in the foregoing certificate in the space of about seven weeks. But his health is still but weak, and, he apprehends, will ever continue so, his constitution being broken and destroyed by the length and severity of his confinement.

As soon as he was released from his imprisonment, he resolved to come over to England, partly to endeavour to procure some redress for the unjust treatment he had received from the king's governour, and partly to avoid being exposed to a repetition of the
like

like ill treatment ; as he would have been, if he had continued in the province. He therefore went on the 9th of May, (the day on which he set out from Quebeck on his return to Montreal) to the secretary's office at Quebeck, to give in his name there, (according to the ordinances of the province made upon that subject) as a person who intended shortly to leave the province.

This step was necessary to intitle Mr. Du Calvet to a pass-port to go to England in some vessel that should sail from Quebeck. But soon after his arrival at Montreal, and about the middle of May, 1783, the news of the preliminaries of the peace being signed between Great-Britain, France, and the revolted Colonies, or new States, of North-America, arrived in the province ; in consequence of which, many persons obtained pass-ports from General Haldimand to go into those revolted provinces, and settle their commercial, or other, affairs there, and many of the inhabitants of those provinces came in like manner into the province of Quebeck for the like purposes. And such a pass-port would have been peculiarly advantageous to Mr. Du Calvet, and far more desirable than a common pass-port to go to England by sea, because he had a clear and strong claim to a considerable sum of money due to him from the Continental Congress for a large quantity

quantity of goods, which their army, under the command of General Arnold, in their retreat from the province of Quebec upon General Burgoyne's arrival in it in May, 1776, had taken by force out of his warehouses at Montreal by order of General Arnold, and had given him a receipt for.

The sum due to Mr. Du Calvet on this account was something more than a thousand pounds, sterling; and Mr. Du Calvet was greatly in want of it at that time, after the losses he had suffered in his fortune by the necessary neglect of his affairs in consequence of his long imprisonment and the other causes above-mentioned. He therefore desired his friend Mr. L'Evesque to apply to General Haldimand for such a pass-port to go into the neighbouring provinces, which if he could have obtained, he would have gone first to Philadelphia, to apply for the payment of the money due to him from the Congress, and afterwards to New-York, and from thence would have taken shipping to England.

Mr. L'Evesque accordingly applied to General Haldimand for such a pass-port; but never could obtain one, though the like pass-ports were granted every day to other people. So that General Haldimand appeared still to retain a dislike and resentment against Mr. Du

Du Calvet, though he did not any longer (now that the peace was made, and positive orders had been sent him by the secretaries of state in England to release all the state prisoners in the province) think fit to continue him in prison.

Mr. Du Calvet therefore, finding that he could not obtain a pass-port to go into the adjoining provinces, resolved to leave the province as soon as possible, by taking his passage for England on board some vessel at Quebec. And in this resolution he went from Montreal, with his son, on Saturday the 23d of August, 1783, towards Quebec, in order to be ready to go on board the first ship that should set sail from thence for England. He arrived at Quebec on Tuesday morning, early, the 26th of August, 1783, and conferred with his friend Mr. L'Evesque about his departure; who advised him not to delay it a single day, if possible, and told him that a ship had sailed that very morning from the port of Quebec for England, which it was probable he might be able to overtake at her first anchoring-place, if he could immediately procure a sloop to follow her in. This ship was a brigantine called *the Tarleton*, commanded by Captain Brown; and there was only one gentleman from Canada that had gone on board it as a passenger, which was young *Monsieur de Lery*, the son of *Monsieur de Lery*, the member of the Legislative Council: to

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that

that Mr. Du Calvet and his son might be easily accommodated on board it, if they could overtake it. This advice Mr. Du Calvet resolved to follow; and, accordingly took out his pass-port at the secretary's office without delay, and set about procuring a sloop to carry him off with as much expedition as possible down the river Saint Lawrence in order to overtake the said brigantine. By Mr. L'Evesque's assistance such a sloop was procured about 10 o'clock the same night, and at 11 o'clock Mr. Du Calvet and his son (a boy of nine years of age,) went on board it, and immediately set sail down the river St. Lawrence in pursuit of the said brigantine. They had the wind at first against them; so that the seamen were forced to make use of their oars to make any way. But about one o'clock in the morning the wind changed in their favour, and they then sailed on briskly for about two hours, till about 3 o'clock, when they came up with the ship they were in quest of, while she was lying at anchor at the further, or lower, end of the Island of Orleans, and immediately went on board her, and, after some little difficulties made by Captain Brown, (whom Mr. Du Calvet had not had time to apprize of his design of being a passenger in his ship,) but which were removed by the production of his pass-port and by the testimony of young *Monsieur de Lery*, the other passenger, in his favour, were received by him as passengers. And in about an hour after Mr. Du Calvet and his son had thus been taken on board

board this ship, Captain Brown weighed anchor, and pursued his voyage to England, and arrived in the Downs on the 22d of the following month of September, 1783.

Mr. Du Calvet was lucky in coming up with this brigantine in the manner he did. For he has been informed, by letters received from Quebeck since he has been in England, that on the very same morning on which that brigantine weighed anchor from the lower end of the Isle of Orleans to proceed on her voyage to England, that is, on the 27th of August, 1783, General Haldimand's secretaries sent one of their clerks, whose name is *Brassard*, to the publick-house at Quebeck, kept by Mr. Le Moine, at which Mr. Du Calvet was used to lodge, to inquire for him: And that, when this Mr. Brassard went back to them, and told them, "that Mr. Du Calvet had gone in a sloop in the night to the further end of the Isle of Orleans in order to overtake, if possible, the *Tarleton* brigantine, and take his passage on board her for England, and that he had probably overtaken her and gone for England," they could hardly believe it;—and that General Haldimand and Mr. Mabane in like manner expressed the greatest surprize at it, and declared that they were sorry that some method had not been taken to prevent it;—And that, on account of these appearan-

ces of ill-will towards him in the governing part of the province, all Mr. Du Calvet's friends had rejoiced at his departure, and considered it as a fortunate escape from further persecutions.

During Mr. Du Calvet's residence at Montreal after his enlargement from prison, that is, from the 13th of May to the 23d of August, 1783, he conceived himself to be in so much danger of being suddenly assaulted in his house by some of the soldiers, at the instigation of his enemies in that town, in the manner he had been in the year 1771, (as has been above related in this narrative, pages 57, 58,) that he thought it necessary to have his arms placed on a table near his bed every night, and a candle kept burning the whole night; that he might be ready to defend himself against any such attempt. Nor were these apprehensions entertained without some apparent ground for them, arising from the general behaviour of the soldiers towards him: For they every day, in passing by his house in a body, and with beat of drum, to mount, or come off, their guards, or to attend their roll-callings, made it their practice, (as they had done before in the year 1774,) to march over his gallery in a noisy, insulting manner, and apparently with a view to terrify him, instead of marching quietly along the street before the gallery, as they did before the galleries of all the other houses in Montreal, that had galleries before them.

The

The uneasiness of Mr. Du Calvet's mind about this time in consequence of the injury he had sustained, and of those which he thus continually apprehended, is well expressed by himself in the following paragraph, which he inserted in several letters which he wrote to several of his friends towards the end of July, 1783, to inform them of the resolution he had taken to leave the province as soon as possible, and go to England for safety and protection, and, if possible, for the redress of his injuries.

Copie d'un paragraphe qui fût inséré en diverses lettres que Monsieur Du Calvet écrivit à Monsieur L'Evesque, Monsieur Du Chesnay, et Monsieur Allsopp, et autres de ses amis dans la province de Québec, en Juillet, 1783.

*A Montréal,
le 24 Juillet, 1783.*

*Enfin, Monsieur, je suis si fatigué de rester courbé sous le poids de la tyrannie de ce Gouverneur, que je suis résolu, à quelque prix que cela soit, de m'en retirer, pour passer à Londres; pour essayer par les plus actifs efforts si je pourrai atteindre aux loix de la nation, que je réclame par bonheur, pour obtenir justice de mon injuste, criante, et horrible détention; laquelle doit être regardée ainsi aux yeux de tous honnêtes individus du genre humain, et
des*

des nations les moins civilisées du globe. Voilà le sujet de mon voyage. A cet effet j'abandonne ici à la cupidité de mes ennemis tous mes biens-fonds quelconques ; aussi le reste du brigandage et du pillage de mes meubles de ménage quelconques et en général ; ainsi qu'une somme de 6695l. 18s. 3d. argent courant d'Hallifax, qui m'est due par divers dans la province, dont mon emprisonnement et les injustices que j'ai souffertes sont cause que je perdrai les trois quarts. Je pars, je puis le dire, pour toute ressource ; pour ne pas rester esclave et exposé à être égorgé chez moi par le premier qui imaginerait un prétexte. Je pars, dis-je, avec mon enfant pour toute fortune, pour ne pas le laisser exposé à être la victime de l'iniquité qu'on exerce ici, &c.

Pierre Du Calvet.

In answer to a letter of Mr. Du Calvet, containing the foregoing paragraph, Mr. George Allsopp, (a member of the Legislative Council of the province, who has been already mentioned in this narrative,) wrote to him as follows.

Para-

Paragraphe d'une lettre de Monsieur George Allsopp, Ecuyer, à Monsieur Pierre Du Calvet, du mois de Juillet, 1783.

Monsieur,

J'aurois répondu à l'honneur de vôtre lettre, si je n'eusse scû dès le lendemain de sa réception que le Gouverneur Haldimand refusa à Monsieur L'Evesque vôtre permission de passer par la Nouvelle York: par conséquent il est probable que vous, passerez par Québec; à moins que vous n'attendiez le plaisir de son Excellence pour passer par en-haut.

Je sens, comme on doit sentir, le mal-traitement que vous avez reçu; et, (ce qui est réellement incompréhensible,) il vaut mieux être actuellement en rébellion que d'être suspect, soit que les soupçons soient bien ou mal placées. L'on ne peut regarder ce que vous avez souffert qu'avec un coeur plein de bénignité. Et Je conclus en vous souhaitant une réparation des torts considérables que vous avez soufferts, &c.

Signé, George Allsopp.

And Mr. Du Chesnay, the Seignior of Beauport above-mentioned, in answer to a letter

letter of Mr. Du Calvet containing likewise the paragraph above-recited, sent him a letter containing the following paragraph.

Paragraphe d'une lettre de Monsieur Juchereau Du Chesnay, Seigneur de Beauport, &c. à Monsieur Pierre Du Calvet, du 5^{ieme} d'Aoust, 1783.

Monsieur,

On ne peut que vous louer du parti que vous prenez: je vous souhaite toutes sortes de prospérités. J'ai connoissance des démarches des citoyens de Montréal. Mais quelle pitié, que celles qu'on fait à Québec! Une grande partie sont de véritables moutons; qui ne savent que tendre le col, et ne croire le mal que quand ils le sentent; et une autre partie est prête à tout sacrifier à leurs propres intérêts.—Vôtre affaire regarde tous les individus quelconques de cette province, pour si peu que l'on veuille réfléchir. Car qui est celui qui peut se dire en seureté chez lui, après avoir vu de ses propres yeux tout ce que l'on vous a fait souffrir de la manière la plus idéale, sans qu'il vous ait été permis d'obtenir, jusqu'à ce jour, aucune justice? J'espère cependant, que vous obtiendrez justice à Londres. Ou bien, si on ne vous la rend point, on nous regarde tous comme des esclaves. Car le mal-traitement que vous avez reçu, rejaillit sur la province en général. Voilà comme
toutes

toutes les bonnes gens doivent l'envisager; &c.

Signé Juchereau Du Chesnay.

These letters sufficiently shew the strong sense the writers of them entertain of the ill-treatment Mr. Du Calvet has received in the province, and the claim they think he has upon his Majesty's Ministers of State in England for the exertion of their utmost endeavours to procure him a redress of his injuries. And he received several other letters about the same time from other gentlemen in Canada, which all express the same sentiments as these.

Since his arrival in England towards the end of September last, 1783, Mr. Du Calvet has applied to Lord North and the Right Honourable Mr. Fox, his Majesty's late Secretaries of State, to desire them to procure an order from his Majesty to General Haldimand commanding him to come over to England and answer the complaints which he and others, many others, have to make against him. The grounds of his request are as follows.

General Haldimand, while he continues in his government of Quebec, cannot be sued in the courts of justice of that province on account of his high dignity of Governour

of it, which places him above the reach of law in that province where he represents the King, in the same manner as the King himself is above the law here in England, or cannot be sued in any action of trespass with effect, so as to be compelled to pay the party grieved any damages that a jury should allow him. Nor can General Haldimand be sued in the courts of justice in England till he comes to England; because the jurisdiction of those courts does not extend out of England. Therefore, unless the General shall come to England, the persons who have received injuries from him in Canada, cannot obtain legal redress for them; but a failure of justice must ensue. His request therefore, "that the General may be ordered to come over here, so as to be within the reach of the laws and amenable to our courts of justice," is clearly founded on the principles of reason and justice.

When the General shall have received and obeyed such an order, Mr. Du Calvet will cease to trouble his Majesty's Ministers with any further mention of his misfortunes, and will be satisfied with such a compensation for the losses and injuries, of all kinds, which he has suffered by means of General Haldimand, as an English Jury, under the direction of an English Judge, shall think proper to allow him.

He

He asks no money, pension, place, or other favour, from the government, but merely to have justice in the ordinary course of law, or, in the words of the King's proclamation of October, 1763, to all his subjects in the four new governments, then erected, of Quebeck, East Florida, West Florida, and Granada, *the benefit of the laws of England.*

Mr. Du Calvet's letters on this subject to Lord North and Mr. Fox, and Mr. Fox's answer, (for he has never received any answer from Lord North, though his business belonged properly to his Lordship's department,) are (excepting that a few unimportant passages of the letters to Lord North have been omitted,) as follows.

Requête de Pierre Du Calvet, Ecuyer, à my Lord North, Secrétaire d'Etat, &c.

My Lord,

Pierre Du Calvet, un des notables citoyens de la province de Québec, supplie humblement vôtre Seigneurie de lui permettre de mettre sous ses yeux ; Que le 27 Septembre, 1780, il fut arrêté et constitué prisonnier sans cause ni raison, par l'ordre du Général Haldimand ; et qu'il a été détenu injustement dans la plus triste et inouïe captivité qu'il est possible d'exprimer, jusqu'au

2 de Mai dernier, qu'il fut élargi; sans avoir jamais pu connoître ni sçavoir la cause ni la raison de sa détention et emprisonnement, ni de son élargissement, quelque démarche et voye juste qu'il ait pu mettre en usage. Ce qu'il justifiera par un mémoire qu'il se propose de remettre en main à la considération de vôtre seigneurie sous peu de temps; ainsi qu'un compte des dommages que le représentant a soufferts, qu'il réclame et qu'il espère de recouvrer par la justice et l'équité connue qui regne dans vôtre seigneurie: Lesquels dommages, torts, pillages, vols, et perte de son temps et de sa liberté, (qui lui a été ravie pendant l'espace d'un si long temps de 948 jours, et cela de la manière la plus insigne qui se puisse dépeindre, ainsi que de la manière la plus contraire aux Loix Anglicanes,) montent (outre la perte de la santé) à plus de quarante mille livres sterling; dont les pièces justificatives seront produites pour preuve de son avancé. Or donc le dit représentant prend la liberté d'informer, par cette représentation, vôtre seigneurie, qu'il est venu à Londres expressément pour réclamer la justice et l'équité du gouvernement: laquelle il espère d'obtenir de vôtre seigneurie, et il la supplie de lui accorder, par le zèle et l'attachement qu'elle porte au bien, au soutien des loix, et à l'honneur et à la gloire de la royauté. Cela faisant, le dit représentant
adressera

adressera ses vœux au ciel pour la santé, prospérité, et conservation de vôtre seigneurie.

De vôtre Seigneurie,

le très humble

et très obéissant serviteur,

*A Londres,
le 26 Sept. 1783;*

Pierre Du Calvet.

*Chez Madame Lamley, No. 65,
Old Broad-Street, pas loin de la
Bourse Royale.*

Depuis le 26 de Septembre dernier j'ai fait toutes les démarches possibles pour parler à my Lord North et à son secrétaire Monsieur Nepean: j'ai été diverses fois à son bureau: Je leur ai écrit, pour solliciter une réponse à ma requête, plusieurs fois, et particulièrement le 30 Octobre, le 7, le 13, et le 19 Novembre: Mais toutes mes démarches ont été infructueuses. J'ai été au bureau de l'honorable Charles James Fox: je lui ai même écrit une lettre, dont voici la réponse.

Billet

Billet de Monsieur Fox.

Mr. Fox fait ses compliments à Monsieur Pierre Du Calvet, et, ayant lû la lettre qu'il a reçue de lui en date du 6 du courant, il doit l'informer que le sujet dont il s'agit, n'appartient pas du tout à son département. C'est au département de my Lord North que Monsieur Du Calvet doit s'adresser.

*St. James's,
le 8 Novembre, 1783.*

Copie d'une lettre écrite le 19 Novembre dernier, 1783, à my Lord North, Secrétaire d'Etat; dont copie a été envoyée à l'honorable Charles James Fox, Secrétaire d'Etat.

Mercredy Matin, 19 Nov. 1783.

My Lord,

*Quoique vötre seigneurie ne daigne point répondre à mes justes représentations, et que le silence qu'il lui plait garder à ce sujet donneroit à entendre un déni de justice de sa part; ce que je ne puis penser; c'est pourquoi j'ai l'honneur de l'informer que je ne cesserai point de lui écrire jusqu'à ce qu'elle m'ait fait une
réponse*

reponse positive sur le contenu de ma requête du 26 Septembre dernier.

Au reste, my Lord, quoique mal traité à un point auquel je n'aurois jamais dû m'attendre sous un gouvernement civilisé, je n'en reste pas moins fidèle au roi et à l'état : et en cette qualité je suis obligé d'informer votre seigneurie de l'état présent de la province de Québec, laquelle mérite les regards les plus actifs et les plus vigilants des ministres et secrétaires d'état actuels. Car la justice et l'humanité entière est intéressée à sa situation présente ; ainsi que la bienfaisance du Roi et de son gouvernement, qu'on y a desapprécié par les oppressions qui s'y commettent par l'instigation et l'intrigue d'un parti qui s'y est formé depuis l'arrivée du Gouverneur Haldimand.

Les personnes à gagés de Monsieur Haldimand, ou lui-même, écrivent, " Que tout est bien." On ne fait point attention que ceux qui écrivent ainsi sont gagés, on payés en particulier, afin de se soutenir dans leur despotisme. Des sommes immenses, qu'on a ramassées par la cupidité, servent à continuer de persécuter l'innocence.

Qu'on se représente une province livrée à la Loi de Maroc et de la bayonnette, telle qu'elle y est exercée présentement ; sans bornes, sans barrières, ni asyles, où puisse se refugier le foible tyrannisé ! On enlève du coeur de la province
ses

ses plus notables habitants et les meilleurs citoyens : on arrache du centre d'icelle, dans le milieu de sa famille, le père à ses enfans le mieux qualifié et sans tache, sans cause ni raison : On l'emprisonne ; on le ruine ; on lui fait subir les tourmens les plus affreux et les plus sévères qu'on puisse exprimer ; même on le fait périr à petit feu, corps et biens, dans la plus dure des prisons ; on fait dissiper ses biens, et on met sa famille à la merci, sans vouloir l'entendre ni l'écouter. Est-ce là ce qu'on appelle, "Tout est bien?" Toute justification et justice quelconque lui est refusée ; on l'empêche même d'avoir jusqu'à son nécessaire avec son propre argent. De là il s'ensuit sur tout le reste le même arbitraire et la même barbarie. Est-ce là ce qu'on appelle, "Tout est bien?" — Mais il est aisé de dévoiler, ainsi que d'éclaircir, ce prétendu, "Tout est bien," d'avec l'iniquité qui s'y exerce, et d'être instruit que ce "Tout est bien," est de pis en pis, si l'on veut s'en donner la peine pour le bien futur du gouvernement, en faisant une enquête générale, faite sans partialité et sans empêchement dans la province, que je garantirai (tant que la corruption ne s'en mêlera point,) de tout ce qu'on jugera à propos, que, sur cent personnes il s'en trouvera quatre-vingt, dix-neuf de mécontentes et désaffectonnées à cause de la manière dont elle est gouvernée à présent. Est-ce une personne, séduite par l'appas corruptible des richesses, qui doit opprimer les quatre-vingts, dix-neuf, autres personnes ? — Qu'on fasse attention

tion qu'il y a dans la province environ cent mille ames ;—Que sur ces cent mille ames il y a environ mille que l'appas d'un gain sordide tient dans la corruption pour rendre les autres esclaves. O Ciel ! est-il permis de voir de tels faits dans une province d'un Gouvernement qui se pique de jouir des loix les mieux calculées pour l'humanité !—ils vendent leurs frères, ou, du moins, ils les enchaînent pour un temps, ainsi qu'il leur plait, pour satisfaire à la cupidité. Mais il y en a quatre-vingt, dix-neuf milles qui gémissent sous le poids du joug de l'oppression et de l'esclavage le plus horrible que l'on puisse dépeindre aux yeux de l'humanité. Hélas ! Que puis-je dire, que toute personne sensée n'imagine et ne sente déjà d'elle-même que trop ?—J'arrête donc là à cette seule réflexion, en désirant qu'on y apporte un prompt remède, pour le bonheur des sujets de sa Majesté ainsi que pour l'honneur du Gouvernement, puisqu'il y est intéressé de si proche en proche pour faire cesser l'abus du pouvoir, qui s'y exerce par l'oubli des loix et la prospérité des méchants, afin de faire renaitre le rétablissement des loix constitutionnelles qui y sont violées et foulées aux pieds par un étranger sans aucun ménagement ni respect quelconque. O Ciel ! où est donc cette fameuse loi d'Habeas Corpus tant prêchée, qu'on fait sonner si haut en Angleterre, même jusque chez les nations étrangères ? Enfin, my Lord, voici ce que j'ai entendu dire moi-même en Août dernier, sortant de la bouche de deux braves Loyalistes arrivés à Montréal, venant de New-

York. Voici leur propre discours. “ Nous ve-
 “ nons nous réfugier dans cette province, après
 “ avoir sacrifié nos biens, exposé nos familles
 “ aux calamités du temps, ainsi que nos vies
 “ pour le service du roi. Mais, my God ! si
 “ la province continue d’être gouvernée avec
 “ le même despotisme qu’elle l’est actuellement,
 “ nous la quitterons, et nous irons implorer
 “ le secours de nos con-citoyens et de nos frères,
 “ que nous avons abandonnés par nôtre loyale
 “ affection pour sa Majesté.” Voilà, my Lord,
 comme raisonnent presque tous les Loyalistes,
 ainsi que toutes les personnes sensées du Canada,
 qui ne veulent point être avilies à la condition
 de l’esclavage, j’ose le dire, pire que celui des
 nègres. — Oui : Ils pensent ainsi plus fort à
 présent que jamais. — J’arrête là : Mais, my
 Lord, pensez au futur. — Si l’on y recueilloit
 les voix, elles seroient unanimes ; on y verroit,
 sans aucun détour ni déguisement, la vérité du
 fait dont il s’agit. — Comme je m’intéresse,
 quoiqu’il en soit, au bonheur de la province et
 à la prospérité du gouvernement, je désire sin-
 cèrement que les Secrétaires d’Etat se défilent
 les yeux, et qu’ils ne restent pas plus long-temps
 dans la léthargie qui a plongé la province
 dans la situation où elle est présentement par la
 mauvaise conduite de celui à qui elle a été con-
 fiée. J’espère, my Lord, que par vos efforts
 les plus actifs vous contribuerez à faire opérer
 un changement immédiat et avantageux, tant
 pour le bien-être de ses habitants que pour les
 intérêts

intérêts de l'état. J'ose espérer, que par vôtre application au service de sa Majesté, on y apportera le remède le plus efficace. C'est le désir et le souhait du zèle sincère de celui qui a l'honneur d'être, en attendant, avec le plus parfait respect,

My Lord,

Vôtre très humble

et très obéissant Serviteur,

Pierre Du Calvet.

Autre lettre de Monsieur Du Calvet à my Lord North, Secrétaire d'Etat, &c. du 29 de Novembre, 1783.

My Lord,

Je ne puis revenir de l'étonnement où me jette vôtre silence sur ma réquête du 26 de Septembre dernier et sur ma lettre du 19 du courant. Une injustice ne seroit pas plus constamment refusée que la justice que je sollicite depuis si long-temps en vain.

Jugez, my Lord, de l'excès de la tyrannie. Voilà trois députés que vous envoye la province de Québec enfin lassée d'un joug auquel elle

ne devoit pas s'attendre sous un gouvernement Anglois. Dans la liste des abus qu'ils ont à vous présenter, ma cause se trouvera, probablement, comprise; et j'obtiendrai, peut-être, Justice avec la province entière.

Je n'ignore pas, my Lord, que Monsieur Haldimand envoie ici des gens à ses gages, dont la mission est d'obtenir qu'il ne soit rien changé au gouvernement de la province, qui, tel qu'il est et tel que je l'ai senti, est un véritable despotisme. Mais, my Lord, il faut espérer que vous serez juste, et que, par ce moyen, vous conserverez la province à sa Majesté, et que vous ne souffrirez pas que nôtre oppression justifiée aux yeux de l'Europe entière le détachement des treize provinces.

J'ai l'honneur d'être, avec respect,

My Lord,

Vôtre très humble

et très obéissant serviteur,

Pierre Du Calvet.

Samedi Matin,
29 de Novembre, 1783.

Lettre

*Lettre de Monsieur Du Calvet à l'Honorable
Charles James Fox, Ecuyer, Secrétaire
d'Etat, &c. le même jour, 29 de Novem-
bre, 1783.*

Monsieur,

*Voici copie d'une lettre que j'écris ce jour
d'hui à my Lord North. Je prens la liberté
de vous l'adresser, afin que vous soyez instruit
des démarches que je fais auprès de ce Secrétaire
d'Etat. Et, quoique l'affaire dont il s'agit,
ne regarde pas directement votre département,
j'espère que, par un effet de votre justice,
vous voudrez bien en dire deux mots à my Lord
North.*

Je suis, &c.

Pierre Du Calvet.

*Autre lettre de Monsieur Du Calvet, écrite
à my Lord North, Secrétaire d'Etat, &c.
le 15 de Decembre, 1783.*

My Lord,

*Oui. Je ne cesserai d'écrire à votre seig-
neurie que lorsqu'elle m'aura rendu la justice
qui est due à mon innocence opprimée. C'est
encore à ce titre, my Lord, que j'ai l'honneur
de*

de solliciter une réponse à ma requête du 26 de Septembre dernier.

Oui, my Lord; je vous ré-itere que je ne réclame que la justice qui est due à mon bonneur outragé, et au dédommagement des torts immenses qu'un brigandage m'a occasionnés. C'est la justice que je demande, et rien autre chose.

Vous n'ignorez pas, my Lord, que je ne puis rien faire contre votre ami, Monsieur Haldimand; puisque je ne puis l'atteindre avec les loix d'ici à Québec. C'est donc un ordre, my Lord, qu'il me faut, s'il vous plait me l'accorder, pour le faire venir à Londres pour répondre à mes plaintes et à mes demandes quelconques.

J'espère, my Lord, que vous ne me refuserez pas cet ordre pour faire venir ici incessamment votre Gouverneur, Monsieur Haldimand; lequel ordre je vous supplie de m'accorder. En me l'accordant vous me rendrez justice, et vous délivrerez la province de son persécuteur.

J'ose espérer que votre seigneurie ne permettra pas que Monsieur Haldimand aille en droiture de Québec en Suisse, sans passer par Londres. J'ose, aussi, espérer que vous ne permettrez pas qu'il échappe aux loix par aucun moyen de subterfuge que ce puisse être. Car, si cela venoit à
arriver,

arriver, my Lord, je n'ai pas besoin de vous faire pressentir ce que tout le monde conclurroit de là. — Je prie Dieu, qu'on sauve, du moins, les apparences.

J'ai l'honneur d'être, avec respect,

My Lord,

Votre très humble

et très obéissant serviteur.

Pierre Du Calvet.

*** Since the late change of his Majesty's Ministers of State, Mr. Du Calvet has presented the following memorial to Lord Sidney, the successor of Lord North in the office of Secretary of State for the Home-Department.

To

To the Right Honourable Lord
SIDNEY, his Majesty's Principal
Secretary of State for the
Home Department.

The memorial of Peter Du Calvet,
Esquire, of Montreal in the pro-
vince of Quebeck,

Humbly Sheweth,

THAT your memorialist has been settled
in the province of Quebeck, formerly
called Canada, ever since the year 1758, and
that, some time after the peace in 1763, he
sold his patrimonial estate in the South of
France, in order to carry over the produce
thereof into the said province, and enjoy the
benefits of the British Government, as it was
then established by the King's proclamation
of October, 1763; and the commission to
Governour Murray made in pursuance of
it;---That he executed the office of a Justice
of Peace in the said province with the fairest
reputation and the entire approbation of the
governours of the province, from the year
1766, to the year 1775;---That he has al-
ways

ways acted as a faithful and loyal subject to his Majesty, and during the late war with the revolted provinces in North-America, (now acknowledged by Great-Britain as the Thirteen United States in North-America,) he always avoided entering into the smallest connection, or correspondence, with any persons in the said provinces, or, in any degree or manner, abetting their revolt.---But that nevertheless, he was arrested on the 27th day of September, 1780, by Captain Laws of the 84th regiment of foot, called *the Royal Emigrants*, in consequence of a verbal order of Brigadier-General Mac Leane, and carried as a prisoner to Quebeck, and there put on board the *Canceaux* sloop of war, as a prisoner, on the 29th of September, 1780, by a written order issued by General Haldimand, the governour of the province, but signed only by his private secretary, Captain Matthews.---That he was detained on board the *Canceaux*, as a prisoner, in the harbour of Quebeck, from the 29th of September to the 14th of November, 1780, and kept upon salt provisions and musty biscuit, without being permitted to send any person on shore to buy fresh provisions for him with his own money;---That then he was removed to the military prison of Quebeck, and detained there from the 14th day November to the 13th day of December, 1780, in the custody of Miles Prenties, the Provost-Martial of the

N n

army,

army, in a very nasty room, which he was not permitted to cause to be cleaned at his own expence; --- and that afterwards, from the 13th of December, 1780, to the 2d of May, 1783, he was detained as a prisoner, in the convent of Recollet Monks, with circumstances of great hardship and unnecessary severity, which have greatly impaired his health; --- and that, throughout this tedious and unmerited confinement, he never had any charge, or accusation, brought against him, or could procure from General Haldimand a declaration of the cause of his imprisonment.

Your Memorialist further sets forth, That, during this long and severe imprisonment by General Haldimand's military power, he repeatedly desired to be dealt with as the law directed, by either being brought to a trial, if he was thought to have been guilty of any offence, or being set at liberty, either freely and absolutely, or, at least, upon giving security both for his future good behaviour and to answer any charge that might be brought against him; and that Mr. L'Evesque, a very respectable merchant of Quebec, and who is a member of the Legislative Council of the province, had offered General Haldimand to become bound for him in these respects: but that all these proposals had been refused. --- And that, after the refusal
of

of these proposals, he had offered to make over all his landed and other property in the province, (which was considerable,) to such persons, or trustees, as General Haldimand should appoint, to be kept in the hands of such trustees till the end of the late unhappy war, as a security for his loyal and faithful conduct during the remainder of it; or, if that was not thought sufficient, he desired to be sent to England even as a prisoner, rather than continue in the nasty and unwholesome confinement in which he then was kept: but that these proposals likewise were refused.

For this cruel and illegal imprisonment your Memorialist humbly hopes that the laws of England (under which he wishes to live and die,) will give him such a reasonable compensation as can now be afforded him. For, as to the damage done to his health by the hardships he has gone through, *that*, he fears, can never be repaired. But, as General Haldimand cannot be sued in the province of Quebeck, so long as he continues governour of it; his high office of governour placing him above the jurisdiction of the courts of the said province:---and, as, during his residence in the said province, he is likewise out of the reach of the courts of justice of Westminster-Hall, whose jurisdiction does not extend beyond the island of
Great-

Great-Britain :---Your Memorialist humbly hopes that, in order to prevent a failure of justice arising from these circumstances, your Lordship will advise his Majesty to command General Haldimand to repair to England, with all convenient expedition, in order to answer such complaints before his Majesty in Council, and such actions in his Majesty's courts of justice here in England, as may be brought against him by your Memorialist and the many other persons who conceive themselves to have been oppressed and injured by him in his office of governour of the said province of Quebeck.

And your Memorialist, as in duty bound, will ever pray for your Lordship's welfare and prosperity.

Signed,



PETER DU CALVET.

F I N I S.



